

ARTICLE IV

DESIGN PRINCIPLES AND DEVELOPMENT STANDARDS

Sec. 16-4-10. Purpose and Intent.

The standards in this chapter apply to the physical layout and design of development in the Town. These provisions address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment. The general intent is to implement the town's comprehensive plan vision of an attractive, efficient, and livable community that features stable neighborhoods and promotes a mix of uses in well-designed community focal points. The specific purposes of this chapter include:

- A. Vision and intent. The intention of the Town in enacting this Article is to translate the vision articulated in the Frederick Comprehensive Plan to definitive standards and guidance to shape development that creates and maintains the desired character for Frederick.
- B. Community design framework. The Frederick Comprehensive Plan outlines a series of community design principles that shape the development and redevelopment process in the community. The following highlights the design principles that inform the regulations in this Article of the Code.
- C. Comfortable, Attractive Public Realm Areas. Frederick encourages the creation of street corridors and public areas that feature attractive, well-designed landscapes, including areas of shade, public art, high quality seating areas, attractive lighting, and related features.
- D. High Quality Residential Neighborhood Design. Frederick encourages the development of residential neighborhoods emphasizing front porches and greater levels of activity and interactions between residents. The community supports strategies such as locating driveways and garages to the rear of buildings to enhance the quality of streets and the public realm in front of residential dwellings.
- E. High Quality Commercial Design. Frederick encourages the development of commercial areas of higher character that include enhanced or elevated architecture, outdoor seating and gathering areas, public art, and other features that distinguish commercial areas in the community from conventional suburban design.
- F. Housing Diversity and Innovation. The Town of Frederick encourages the integration of a range of housing types within neighborhoods and the introduction of new, creative forms of housing within existing and new neighborhoods in the community. The overall goal is to provide a wide range of housing choices to serve the full range of households that wish to live in Frederick in the future.

- G. Walkable, Bikeable, and Accessible Community. The design of streets, trails, paseos, and other areas of the public realm in Frederick ensures that high quality access and movement is provided for people walking and biking. The design of the public realm provides for accessible movement for individuals of different abilities in the community. Parks, Recreation, Open Space, and Trails. The design of neighborhoods and developments in Frederick supports and enhances the community's parks, recreation, open space, and trail system and integrates these features into commercial and residential areas throughout the town.
- H. Site Design, Architecture, and Landscaping. The Town of Frederick encourages innovation and thoughtful design of the public realm, buildings, and other site features to make the community attractive to current and potential residents, visitors, and employees. The Town provides regulatory guidance to inform landscape designs that support a high quality of life while sustainably using limited resources, such as water.
- I. Environmental Sustainability. The Town of Frederick supports the design of developments that enhance the environmental sustainability of the community and support goals to responsibly manage natural resources, minimize pollution, and support healthy ecosystems.

Sec. 16-4-20. Applicability.

- A. All development applications, building permit applications, and change of use applications shall comply with the applicable standards contained in this Article.
- B. All non-conformities shall comply with Section XX (legal non-conforming section).
- C. Relation to zone district standards. In the event of a conflict between a standard or requirement contained in Article 2 and this Article, the standard in Article 4 shall prevail.

Sec. 16-4-30. Alternative Compliance.

- A. ~~Purpose and intent.~~ Alternative equivalent compliance is a procedure that allows development to occur where the intent of the design-related provisions of this chapter is met through an alternative design. It is not a general waiver of regulations. Rather, the procedure permits a site-specific plan that is equal to or better than the strict application of a design standard.
- B. ~~Applicability.~~ The alternative compliance procedure shall be available only for the following sections of this Land Use Code:
 1. Section XXX, Landscaping
 2. Section XXX, Buffering, Screening and Fencing
 3. Section XXX, Off-street Parking and Loading (include location section)
 4. Section XXX, Architectural Standards

5. Section XXX, Wireless Communication Facilities Design Standards
6. Section XXX, Signs XXX

- C. ~~Decision-making responsibility.~~ Final approval of any alternative compliance proposed under this section shall be the responsibility of the decision-making body responsible for deciding upon the application.
- D. ~~Criteria.~~ To grant approval for alternative compliance, the decision-making body shall find that all of the following criteria are met:
1. The proposed alternative achieves the intent of the subject design standard to the same or better degree than the subject standard.
 2. The proposed alternative substantially achieves the goals and policies of the Town's comprehensive plan to the same or better degree than the subject standard.
 3. The proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject design standard.
- E. ~~Effect of approval.~~ Alternative compliance shall apply only to the specific site for which it is requested and shall not establish a precedent for assured approval of other requests by this or any other applicant.

Sec. 16-4-40. Subdivision Standards, Design, and Improvements.

The following subdivision standards articulate regulations for the layout and design of components of neighborhood design (such as streets and sidewalks) with the intent of fulfilling the community design objectives outlined in **Section 4.3.**

A. General Subdivision Standards.

1. ~~Name of subdivision.~~ The title under which the subdivision will be recorded shall not duplicate the name of any existing subdivision in the town.
2. It is unlawful to use, file, or record a plat of a subdivision of land with the Weld County Clerk and Recorder until the plat is approved by the Town and signed by duly authorized representatives of the town.
3. ~~Minimum standards.~~ The standards in this chapter are minimum standards. The town may impose more restrictive standards when it finds that they are necessary to conform the design of a proposed subdivision to sound engineering or design standards or other standards in this LUC.
4. ~~Phasing schedule.~~ The Town Engineer or designee may require that a subdivision conform to a phasing schedule based upon the scheduled availability of infrastructure to serve the subdivision. If required, a phasing plan shall be submitted for approval at the

time of application for preliminary plat and made a condition of that approval or with a subdivision or development agreement.

5. ~~Compliance with other provisions of this LUC.~~ All subdivisions shall comply with all other applicable zoning, design, and development regulations set forth in this LUC, including without limitation:
 - a. The requirements of the zone district in which the property is located; and
 - b. Generally applicable Design Standards and Construction Specifications, as amended.
6. Compliance with other adopted plans and policies: The design of subdivisions shall comply with all other adopted plans and policies adopted by the Town, including without limitation:
 - a. The Town of Frederick Comprehensive Plan, as amended;
 - b. The Town of Frederick Parks, Recreation, Trails and Open Space Master Plan, as amended;
 - c. Town of Frederick Transportation Master Plan, as amended;
 - d. Town of Frederick Utility Master Plans, as amended;
 - e. The Town of Frederick Standards and Specifications for Design and Construction of Public Improvements, as amended.

B. Subdivision Layout and Design.

1. General standards.
 - a. ~~Name of subdivision.~~ The title under which the subdivision will be recorded shall not duplicate the name of any existing subdivision in the town.
 - b. ~~Natural hazard areas.~~ Land subject to hazardous conditions such as landslides, rock falls, expansive soils, mine subsidence, mine shafts, shallow water table, open quarries, floodplains and floodways, polluted or non-potable water supply shall be identified and shall not be subdivided until the hazards have been mitigated or it is shown that they will be mitigated by the subdivision and construction plans to the Town's satisfaction.
 - c. ~~Adjoining subdivisions.~~ A proposed subdivision shall be designed in such a manner as to be coordinated with adjoining subdivisions (existing and proposed) with respect to the alignment of street rights-of-way, utility and drainage easements, open space, view corridors, pedestrian/bicycle paths, and other relevant design considerations.
2. Blocks.
 - a. All contiguous lots bounded by right-of-way, boundaries of the subject property, or designated or dedicated open space shall be grouped and labeled as distinct blocks.
 - b. The Town may require one or more easements through a block for the purpose of pedestrian access.

- c. Block length.
 - 1. The maximum average length of blocks shall not exceed 500 feet.
 - 2. Block lengths from street to street shall be used to calculate the average, not block depths.
 - 3. Blocks of 500 feet in length or greater shall include at least one designated corridor running perpendicular to the street. This corridor shall have a width of at least 30 feet and shall serve as a green space corridor or serve as a connector to an adjacent development with the use of trails and/or sidewalks and bicycle routes.
 - i. Sidewalks located within this thirty (30) foot corridor shall be a minimum of eight (8) feet in width.
 - 4. In cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased with the approval of the Director.
 - d. Residential blocks with Arterial or State Highway frontage.
 - 1. Along all arterial streets, development design shall allow for homes to face arterial streets, with a setback width of at least 10 feet greater than the standard front setback (for the relevant housing type). Vehicular access for homes that face arterial streets shall be provided from either an alley located to the rear of homes or, in the case of corner lots, from an adjacent local street.
 - 2. In cases where the rear yards of homes face arterial streets or state highways, buffering along the rear of yards shall be provided as required by **Section XX**. Where rear yards face arterials or state highways, buffering shall be provided as required by **Section 4.5.2**.
3. Lots.
- a. Lot size, width, depth, shape, and orientation and minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy, and view.
 - b. Depth and width of properties reserved or laid out for non-residential purposes shall be adequate to provide for off-street parking, landscaping or planting area, and loading areas required by the type of use and development contemplated.
 - c. No lot shall be divided by a municipal or county boundary line.
 - d. No lot shall be divided by a zone district boundary line.
 - e. No lot shall be divided by a street.
 - f. Each residential lot shall be provided with lot frontage on a street or garden court. Nonresidential lots shall be provided with lot frontage on a street, private drive, or garden court.
 - g. Corner lots for residential use shall have extra width to accommodate the required building setback line on both street frontages.

- h. Wedge-shaped lots shall not be less than 30 feet in width at the front property line.
 - i. Side lot lines shall be at substantially right angles and radial to curved streets. Where lot lines are not at right angles to the street lines, it shall be indicated on preliminary and final plats.
 - j. Triple frontage lots and flag lots are prohibited in residential zone districts.
 - k. Residential double frontage lots.
 - 1. Residential double frontage lots are only permitted where no other configuration is practicable.
 - 2. Subdivisions with residential, double frontage lots shall provide a minimum 30-foot landscape outlot between the rear lot line and the street.
 - 3. Access shall be required from the lower classification street.
4. Outlots.
- a. Outlots shall be designated for the following uses within a subdivision:
 - 1. Open space
 - 2. Parks
 - 3. Landscaped areas
 - 4. Stormwater detention areas not part of an individual lot
 - 5. Trail corridors not part of an individual lot
 - 6. Monument signs
 - 7. Future development
 - 8. Other areas determined appropriate as an outlot by the Town
 - b. The preliminary and final subdivision plats shall specify the use for each outlot designated on the plat.
 - c. A separate landscape maintenance agreement shall be required at time of final plat specifying ownership and maintenance of each outlot.
5. ~~Streets.~~ In addition to any other requirements of this Code, all streets shall comply with the following:
- a. ~~General street design.~~ All new streets shall be designed in relation to existing or planned streets, to topographic conditions, to public convenience and safety, and in relation to the proposed use of land to be served. The Transportation Master Plan shall be referenced when making street design decisions.
 - b. Streets shall be extended to connect with existing streets, except where such extension is prevented by topography or other physical conditions or where the connection of streets with existing or probable future streets is deemed unnecessary by the town for the advantageous development of adjacent properties.
 - c. Access.

1. Access to all subdivisions shall be from a public street system.
 2. Each new subdivision shall have at least two (2) means of access to the subdivision from the public street system. The two (2) means of access shall separately connect to the public street system.
 3. ~~Controlling street access~~. A strip of land between a dedicated street and adjacent property shall not be reserved for the purpose of controlling access to such street from such property.
- d. ~~Private streets~~. Private streets may be permitted provided they meet the general design criteria for public right-of-way local streets; geometry, intersection and access spacing with pedestrian improvements or pursuant to a variance granted by the Town Engineer.
1. Sidewalks shall be provided along private streets that serve a residential development and shall meet the following requirements.
 - i. The installation of a sidewalk on only one side of a private street may be approved by the Director if alternative off-street pathways provide for sufficient connectivity for residents to access nearby amenities and the surrounding neighborhood fabric.
- e. ~~Street Intersections~~. Intersections shall meet the following requirements unless otherwise approved by the Board of Trustees:
1. Intersections shall be provided at the following minimum offsets:
 - i. ~~State highway (principal arterial)~~. In accordance with the latest edition of the Colorado State Highway Access Code;
 - ii. ~~Arterial~~. One thousand (1000) feet;
 - iii. ~~Collector~~. Three-hundred thirty (330);
 - iv. ~~Local~~. One hundred fifty (150) feet.
 2. No more than two (2) streets shall intersect at one (1) point unless connected using an approved roundabout.
 3. Streets shall intersect at ninety (90) degree angles unless connected using an approved roundabout.
 4. Visibility at intersections.
 - i. No shrubs, ground cover, berms, fences, structures, or other materials or items greater than thirty (30) inches in height shall be planted, created, or maintained at street intersections within the site distance triangle, as defined in the approved version of the Town of Frederick Design Standards and Construction Specifications, as it may be amended from time to time.

- ii. Trees shall not be planted in the site distance triangle, as defined in the approved version of the Town of Frederick Design Standards and Construction Specifications, as it may be amended from time to time.

- f. ~~Horizontal alignment.~~ Refer to the Town of Frederick Design Standards and Construction Specifications, as it may be amended from time to time.

- g. ~~Vertical alignment.~~ Refer to the Town of Frederick Design Standards and Construction Specifications, as it may be amended from time to time.

- h. Street arrangement and connections.
 - 1. The street network in new development areas shall complement the traditional grid pattern of street layout.
 - 2. Local streets shall be arranged so that their use by through traffic will be discouraged. Traffic calming techniques such as use of grid patterning is encouraged to reduce speeds and cut-through traffic. All traffic calming measures shall be approved by the Town Engineer or designee.
 - 3. Dead-end streets with no outlet are prohibited.
 - 4. The maximum length of a cul-de-sac is identified in the International Fire Code.
 - 5. Where developments have cul-de-sacs or dead-end streets, such streets shall be connected to the closest street via a sidewalk or multi-use path, except where deemed impractical by the Director.
 - 6. If a set of houses grouped around a common driveway (a housing cluster) is divided into individual lots for each dwelling unit, the access requirement applies to the shared access to the right-of-way, and not each individual lot/driveway.
 - 7. Non-residential lots shall provide shared access points along shared property lines where possible.
 - 8. Street connections between planned subdivisions and adjacent existing or future subdivisions shall be extended to the shared property line. The right-of-way for a street stub shall be dedicated at time of subdivision.
 - 9. Pedestrian crossings at street intersections and mid-block. Pedestrian crossings shall be accessible to handicapped individuals, and mid-block crossings may be required.

- i. Street naming and addressing. Street names and addressing shall follow the requirements of Town of Frederick Ordinance 840.
 - j. Right-of-way Dedications.
 - 1. At time of subdivision, all necessary public right-of-way dedications to the Town shall be met. See the Engineering Design Standards & Construction Specifications, as amended, for right-of-way dedication requirements for each street type.
 - 2. In cases where a perimeter street has a portion of the required right-of-way on an adjacent property, the following standards shall apply:
 - i. The subdivider shall either:
 - (1) Purchase the other one-half (1/2) of the proposed right-of-way property for the Town at the appraised fair market value and then dedicate the right-of-way to the Town; or
 - (2) If the landowner of the proposed right-of-way property is unwilling to sell the proposed right-of-way property to the subdivider for its appraised fair market value, the subdivider shall pay for the cost of an appraisal for the proposed right-of-way property and legal fees for the Town Attorney to complete the condemnation process.
 - ii. The subdivider shall finalize an agreement with the Town that guarantees the construction of the street to the Town standards.
 - k. Street standards. The width of street right-of-way and the design of the street it contains shall conform to the minimum standards outlined in the approved version of the Town of Frederick Design Standards and Construction Specifications, as it may be amended from time to time. However, additional right-of-way and street width may be required based upon special development requirements, including but not limited to additional parking needs, sight distances, and requirements for auxiliary lanes. Street cross-sections and the street designation (arterial, collector, local, rural local) within or adjacent to a development may be modified by the Town upon the recommendation of an approved development traffic study or Town-wide Transportation Master Plan.
6. Driveways.
- a. 5. All accesses shall require Town Engineer approval.

6. Additional right-of-way and/or greater intersection spacing may be required, as determined by the Town Engineer.

b. No driveway access shall be permitted from the lot directly to any highway, freeway, arterial, or collector unless otherwise approved by the Town Engineer.

c. Driveway curb cut width is limited to:

1. A maximum of thirty (30) feet in residential zones.
2. A maximum of thirty-eight (38) feet in nonresidential zones.

c. Single-dwelling, paired home, and townhome access to adjacent street.

1. Shared driveways are encouraged with paired homes and townhomes.
2. Driveway access to a local street from a single-dwelling detached or over-under paired home residential lot, or residential dwelling unit in a side-by-side paired home, or residential dwelling unit in a townhome building in which all dwelling units are thirty (30) feet or greater in width, shall be limited to:
 - i. One (1) driveway curb-cut or driveway access of no greater than thirty (30) feet in width; or
 - ii. With regard to single-dwelling detached lots with frontages that are eighty-five (85) feet or more in width, a circular drive in which each access to the local street is less than ten (10) feet in width, separated by at least thirty (30) feet and which is constructed as an integral part of the overall architectural design of the single-dwelling detached residence.

3. All dwelling units in a townhome building shall take access from an alley if any of the dwelling units in the townhome building are less than thirty (30) feet wide.

4. Driveway access pursuant to this Subsection (2)(b)(7) shall be greater than fifty (50) feet from the intersection of the local street and a collector street or two hundred (200) feet from the intersection of the local street and an arterial street as measured from the intersecting centerlines to the centerline of the driveway.

5. All accesses shall require Town Engineer approval.

6. Additional right-of-way and/or greater intersection spacing may be required, as determined by the Town Engineer. d. Multi-dwelling residential and non-residential access to adjacent street.

1. Driveway access to a local or collector street from a multi-dwelling residential or non-residential lot shall be greater than one hundred twenty-five (125) feet from any street intersection as measured from the intersecting centerlines to the centerline of the driveway;
2. Driveway access to an arterial street from a multi-dwelling or non-residential lot shall be not less than two hundred fifty (250) feet from any intersection on the arterial street, or from another non-residential lot's access as measured from the intersecting centerlines to the centerline of the driveway; or

7. Alleys.

- a. Alleys in developments approved after the effective date of this Land Use Code shall be privately owned and maintained. An easement in such alleys shall be granted to the Town and/or other service providers for installation and **maintenance of utilities, refuse collection, and similar facilities and services.**
- b. In areas where an alley is provided, residential and mixed-use residential garage driveway connections shall be made from the alley unless the Town Engineer determines that alley access creates a safety hazard.

8. ~~Curb ramps.~~ Accessible curb ramps from the sidewalk to street grade shall be provided in conformance with the Americans with Disabilities Act and other applicable law, as amended. All street crossings shall have accessible curb ramps on both sides of the crossing directly across from each other.

9. ~~Gated communities.~~ Gated communities that feature entry guardhouses, gates across access routes, or similar features are prohibited.

10. Emergency access.

- a. Emergency access points required by local fire officials shall meet the following requirements:
 1. The roadway must be able to support the weight of emergency apparatus.
 2. The roadway must be a minimum of 26 feet wide and usually run in a fairly straight line.
 3. The roadway must be comprised of an all-weather surface.
 4. The roadway must be maintained and usable at all times during the year.
 5. Any form of barricade must be approved by the fire district.
 6. Dead-end emergency access roads longer than 150 feet are required to be provided with a fire district approved turn around.

- b. The point of entry shall be signed as, "Emergency Access Point – Emergency Vehicles Only."

11. ~~Traffic Impact Mitigation.~~ A traffic impact study may be required per the Town Engineer. See the Design Standards and Construction Specifications, as amended, for details.

12. Utilities and easements.

- a. Utility easements shall follow front, rear, and side lot lines whenever practical, and the centerline of any easement should coincide with a joint property line.
- b. Easements shall be determined so as to provide efficient installation of utilities and should integrate well with the town's street design criteria.
- c. Public utility installations shall be located so as to permit multiple utility installations within the easements, to avoid cross connections, to minimize trenching, and adequately separate incompatible systems. Where a portion of an existing easement is contiguous to a proposed easement or right-of-way of the new subdivision, proof of the dedication of the existing easement or right-of-way must be submitted to and be acceptable to the town.
- d. Location and width. Utility easements shall measure ten (10) feet on each side of abutting rear lot lines. On subdivision perimeter rear lot lines adjacent to unsubdivided property, utility easements shall measure ten (10) feet in width. In the event that the location of utility easements adjacent to rear property lines is unsuitable for use by utility companies due to drainage, irrigation ditches, or other obstructions, the subdivider shall provide like-width easements adjacent to said areas of obstruction. Side lot line easements, where necessary, shall measure ten (10) feet in full width; five (5) feet on either side of a lot line is acceptable. Front lot line easements shall measure ten (10) feet in width. Easements may be more or less than widths stated if the specific utility indicates in writing a width other than those required by this Code. Utility easements shall be subject to the approval of the Town or applicable utility company.
- e. Transmission lines shall be placed underground whenever practicable. The applicant shall make the necessary arrangements including any construction or installation charges with each of the serving utilities for the installation of such facilities.
- f. Other utility equipment (including, but not limited to, transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, street lighting utilities, and other facilities necessarily appurtenant to such underground utilities) shall be placed underground whenever practicable. If placed above-ground, such

equipment shall not be located in street medians or on utility poles unless no practicable alternative exists. Such equipment shall also be screened as required by the screening requirements of subsection 10-6-4 G.7.

- g. The installation of new easements that pass over existing easements shall require the permission of the existing easement holder if the existing easement is exclusive or if there is potential conflict in the easements. Overhead power lines (with the exception of regional transmission lines) shall be placed underground except in cases where physical limitations impede the ability to place transmission lines underground. The developer shall be responsible for any construction or installation charges enacted by the utility entity in question. The applicant shall be required to adhere to the requirements of this Article pertaining to the undergrounding of utilities within parks and open spaces.
- h. Street lighting. Street lighting and associated underground street lighting supply circuits shall be installed by the Developer per the specifications included in the Town of Frederick Design Standards and Construction Specifications, as amended. A photometric plan is required to be included with the construction plans for all subdivisions and any other new development.
- i. Drainage easements shall be provided for all development. The easements shall consider on and off-site drainage along with considering the Town of Frederick's Outfall system and master drainage ways.

13. ~~Stormwater drainage.~~ See the Design Standards and Construction Specifications, as amended. General provisions are below:

- a. Drainage areas shall be designed to appear natural in form unless otherwise approved by the Town.
- b. Native re-vegetation techniques shall be used. See the landscaping standards in Section XX for required live ground cover.
- c. Design, studies, reports, and other stormwater drainage requirements. See the Design Standards and Construction Specifications, as amended.

14. ~~Oversizing water lines.~~ See the Design Standards and Construction Specifications and the Municipal Code, both as amended.

15. Potable Water.

- a. All residential, commercial, and industrial uses that have human occupancy shall have potable water served by the Town or appropriate water district. The water system shall be of sufficient size and design to supply potable water to each structure or lot upon which a structure is to be built.

16. Sanitary sewer.

a. All residential, commercial, and industrial uses that have human occupancy shall have sanitary sewer. The sanitary sewer system shall be connected to an existing public sanitary sewer system and shall consist of a closed system of sanitary sewer mains and lateral branch connections to each structure or lot upon which a structure is to be built. Sanitary sewer lines are to be of sufficient size and design to collect all sewage from all proposed or portable structures within the subdivision or development.

b. On a case-by-case basis, the Board of Trustees may approve individual sewage disposal systems that comply with Weld County Health Department standards. However, no new addition, upgrade, or major repair to an individual sewage disposal system will be permitted if the property is located within four hundred (400) feet of a municipal or sanitation district collection line, measured through existing sewer easements or utility rights-of-way, except where such connection is not feasible or has been denied by the Town or district.

17. ~~Fire hydrants.~~

a. The subdivider shall install fire hydrants at street intersections and at other points as per the requirements of the Frederick Firestone Fire Protection District.

b. Fire hydrants shall meet the standards and specifications of Frederick Firestone Fire Protection District.

Sec. 16-4-50. Public Improvements.

Refer to the Administrative Development Guide and Design Standards and Construction Specifications for submittal requirements, regulations, process, and standards related to public improvements.

Sec. 16-4-60. Parks, Open Space, and Trails.

A. Purpose and Intent.

1. The purpose of this section is to regulate the planning, development, construction, preservation, and maintenance of parks, open space, and trails throughout the Town with the intent to promote and protect Frederick's community vitality by providing access to quality open spaces and recreation opportunities, foster social connection and belonging, and preserve and steward natural areas and resources for current and future generations.

The further intent of this section is to ensure these areas and opportunities are environmentally and fiscally sustainable, are developed as an integrated network of diverse lands and amenities and serve residents and visitors of all ages and abilities.

2. The location and distribution of parks and open space shall be consistent with the residential density of the area. Safe, equitable, and convenient access to park land, open space, and park improvements is prioritized over payment of a fee in lieu of park land improvements and dedication of land to ensure a deficit in physical park land or an unreasonable demand on park space does not occur within any areas of the community. In general, pocket parks are intended to serve fewer than 150 residents, and neighborhood parks are intended to serve up to 600 residents. Community parks are intended to serve a larger population.
3. The dedication of park land, park improvements, open space, and trails, as provided herein this section, does not necessarily mean or require said lands and improvements must be transferred for ownership by the Town. Instead, dedication means these lands and improvements are being made available for the use and enjoyment of the residents and visitors of the Town of Frederick.

B. Applicability.

This section applies to any new residential development within the jurisdiction of the Town of Frederick.

C. Dedication of Park Land.

1. ~~Minimum Park Land Standard~~. It is the policy of the Town that the minimum standard for the provision of local park land for the benefit of the community is 8.5 acres per 1,000 residents (0.0085 acres per resident).
 - a. Distribution of Parks by Type: The distribution of this land should generally be as follows:
 1. Pocket parks: 1 acre/1,000 residents (approximately 10% of 8.5 acres per 1,000 residents)
 2. Neighborhood parks: 5 acres/1,000 residents (approximately 60% of 8.5 acres per 1,000 residents)
 3. Community parks = 2.5 acres/1,000 residents (approximately 30% of 8.5 acres per 1,000 residents)

- b. The Town shall have discretion to re-allocate acreage within the above categories for the benefit of the community.
 - c. Service Area. It is further the policy of the Town that 95% of all residential dwellings should be within ¼ mile of a pocket park or a neighborhood park. This shall be measured from the closest edge of the park land to the edge of the closest residential lot line.
2. ~~Park Land Dedication Required.~~ Any new residential development creating 1 or more residential lots or dwelling units that have not previously dedicated park land or otherwise paid a park land dedication fee shall be required to dedicate park land as provided herein this section.
 3. ~~Park Land Dedication Calculation.~~ New residential development shall dedicate park land at a rate of 8.5 acres of land per 1,000 residents anticipated to be generated by said new residential development. The estimated number of residents generated shall be calculated by multiplying the number of dwelling units by the average household size estimated for each dwelling unit by type of dwelling unit. The average household size for each dwelling unit type shall be as determined by the Town, calculated on a periodic basis and based upon the latest available Census Bureau information.
 - a. $(8.5 \text{ Acres}) \times (\text{number of lots or dwelling units}) \times (\text{persons per dwelling unit}) / 1,000 = \text{required park land dedication (Decimals rounded up the nearest hundredth)}$
 - b. Examples (assuming 2.91 estimated persons per household):
 1. A 80-lot single family subdivision would be required to dedicate 1.99 acres of park land.

 $(8.5) \times (80) \times (2.91) / (1000) = 1.99 \text{ acres}$
 2. A 180-unit apartment complex would be required to dedicate 4.45 acres of park land

 $(8.5) \times (180) \times (2.91) / (1000) = 4.45 \text{ acres}$
 4. ~~Park Land Dedication General Provisions.~~ The following minimum standards shall apply to all park land dedication unless modified or waived by action of the Town's Board of Trustees.
 - a. Minimum size. Any park land dedication shall be a minimum contiguous area of 1.0 acres and of a functional shape. No dimension of the park site shall be less than 60 feet in width.

- b. ~~Dedication by Park Types~~. When the calculated park land dedication requirement is 8 acres or more, the dedication should generally adhere to the park type distribution percentages outlined in **Subsection 1** above.
- c. ~~Street Frontage Required~~. Park land shall have public or private street frontage along at least a minimum 51% of the park perimeter. Pocket and neighborhood parks shall not have frontage along arterial streets or alleys.
- d. ~~Connectivity~~. All dedicated land shall, to the maximum extent reasonably feasible, be linked to parks, open space, and trails or adjacent parcels to form a connected system throughout the Town.
- e. ~~Adjoining Residential Uses~~. Residential dwellings, when adjoining, should not front or face towards the park but may back up to a park only if a thirty (30) ft wide buffer is provided between any residential lot and the park property line.
- f. ~~Usability~~. At least 75% of the dedicated land required by this section shall be well-drained, level (cross slopes no greater than 5%), and suitable for playing fields and recreational facilities.
- g. ~~Utility Easements~~. Utility easements shall be limited to locations that do not impact the function, construction, and maintenance of parks and recreation facilities, structures, and landscaping. Areas encumbered with any easements shall not be included within the parkland dedication area calculations.
- h. ~~Water Rights~~. Water rights sufficient to irrigate and serve the intended uses of the dedicated park land shall follow the provisions prescribed in the Town's Water Dedication Policy, as amended.
- i. ~~Areas Not Eligible~~. Lands within the following areas shall not be accepted for park land dedication:
 - 1. Private yards;
 - 2. Public or private streets or rights-of-way;
 - 3. Designated flood plains or floodways of the Town;
 - 4. Federally protected wetlands;
 - 5. Stormwater retention or detention areas or ponds;
 - 6. Open parking areas and driveways for dwelling units or on-site parking within park areas;
 - 7. Streetscape or buffers and median strips;
 - 8. Overhead transmission lines;
 - 9. Utility easements over ten (10) feet in width;
 - 10. Active oil and gas well sites and setbacks;

11. Mine shafts and associated setbacks;
12. Irrigation ditches and stormwater channels; and
13. Any other area not deemed appropriate by the Director.

D. Construction of Park Improvements.

1. ~~Park Improvements Required~~. Based upon the calculated park land dedication requirement as provided herein this section, the following park improvement shall be required as part of any park land dedication.
 - a. ~~Pocket Park~~. The dedication of any land for a Pocket Park (generally for a land dedication area that is less than or equal to two (2) acres in size) shall provide the improvements required for a Pocket Park as specified in the Parks and Open Space Standards and Specifications and meets the design intentions as provided in the Park and Open Space Design Guide.
 - b. ~~Neighborhood Park~~. The dedication of any land for a Neighborhood Park (generally for an individual land dedication area that is more than two (2) acres in size) shall provide the improvements required for a Neighborhood Park as specified in the Parks and Open Space Standards and Specifications and meets the design intentions as provided in the Park and Open Space Design Guide.
 - c. ~~Community Park~~. The dedication of any land and improvements for a Community Park shall be in the form of a fee paid to the Town for the provision of Community Park space and park improvements. This fee shall be calculated as provided in **Section G**. For the purposes of calculating this fee, the required park improvements shall be the requirements for a Neighborhood Park as specified in the Parks and Open Space Standards and Specifications and meet the design intention as provided in the Park and Open Space Design Guide.
2. ~~Park Improvements Design Standards~~.
 - a. The park and improvements shall be designed per all Town standards including the Parks and Open Space Standards and Specifications and the Park and Open Space Design Guide.
 - b. The design shall be completed by a landscape architect, licensed to work in the State of Colorado, and with experience and expertise in designing parks.
 - c. The final plans shall be reviewed by, and require the approval of, the Town's Board of Trustees for compliance with these regulations and the Town's Parks and Open Space Standards and Specifications and the Park and Open Space Design Guide.

E. Dedication of Open Space.

1. ~~Minimum Open Space Standard.~~ The broad views and rolling agricultural lands found in and around the Town of Frederick contribute significantly to the Town's character. Preservation of a portion of these natural lands as open space is critical in addition to protecting these views and ultimately maintaining the character of the community. Doing so will further provide opportunities for education, wildlife protection and observation, hiking, and other passive and active recreation activities for the health and welfare of existing and future residents. It is the policy of the Town that the minimum standard for the provision of open space for the benefit of the community is 17 acres per 1,000 residents.
2. ~~Open Space Dedication Required.~~ Any new residential development creating one (1) or more residential lots or dwelling units that has not previously dedicated open space or otherwise paid an open space dedication fee shall be required to dedication open space as provided herein this section.
3. ~~Open Space Dedication Calculation.~~ New residential shall dedicate open space land at a rate of 17 acres of land per 1,000 residents anticipated to be generated by said new residential development. The estimated number of residents generated shall be calculated by multiplying the number of dwelling units by the average household size estimated for each dwelling unit by type of dwelling unit. The average household size for each dwelling unit type shall be as determined by the Town, calculated on a periodic basis and based upon the latest available Census Bureau information.
 - a. $(17 \text{ Acres}) \times (\text{number of lots or dwelling units}) \times (\text{persons per dwelling unit}) / 1,000 = \text{required open space dedication (Decimals rounded up the nearest hundredth)}$
 - b. Examples (assuming 2.91 estimated persons per household):
 1. An 80-lot single family subdivision would be required to dedicate 3.96 acres of open space.
 $(17) \times (80) \times (2.91) / (1,000) = 3.96 \text{ acres}$
 2. A 180-unit apartment complex would be required to dedicate 8.9 acres of open space
 $(17) \times (180) \times (2.91) / (1,000) = 8.9 \text{ acres}$
4. ~~Open Space Dedication Standards.~~ The following minimum standards shall apply to all open space dedication unless modified or waived by action of the Town's Board of Trustees. To the maximum extent reasonably feasible, where significant natural and

scenic resource assets exist on a property, the subdivider, developer, or owner shall give priority to their preservation as open space.

- a. ~~Minimum size.~~ Minimum contiguous dedication area: ten (10) acres.
- b. ~~Minimum Width.~~ A parcel that is no less than three hundred (300) feet at the narrowest width, unless the Town approves a lesser amount for a trail which may be no less than thirty (30) feet in width;
- c. ~~Connectivity.~~ All dedicated land shall, to the maximum extent reasonably feasible, be linked to parks, open space, and trails or adjacent parcels to form a connected system throughout the Town.
- d. ~~Unencumbered.~~ Unencumbered by overhead utility lines, built structures, and paved surfaces;
- e. ~~Permissible Functions and Use.~~ Open space shall serve one or more of the following functions:
 1. Preserving rural/agricultural land;
 2. Community garden;
 3. Protecting significant archeological, historic and cultural resources;
 4. Protecting aquatic, wetland and riparian habitat and buffers;
 5. Providing hedgerows, feeding, cover, breeding, foraging, and nesting habitat;
 6. Preserving native wildlife habitat and their migration and travel corridors;
 7. Creating and preserving pastoral-scenic views to mountains, plains, and agricultural lands;
 8. Providing corridors and natural area destinations;
 9. Providing passive recreational experiences and trails;
 10. Providing environmental educational opportunities;
 11. Shaping growth;
 12. Protecting landmark topographic features;
 13. Protecting the public from natural and geologic hazards;
 14. Providing visual and physical linkages between community resources;
 15. Clearing of underbrush and debris and the provision of walks, fences, and other similar features are permitted within open space;
 16. Flood Hazard areas; lakes, rivers, creeks, wetlands, stream/riparian corridors, and similar features; wildlife habitat and migration corridors; and, areas with native and specimen trees and plants.
- f. ~~Water Rights.~~ Water rights sufficient to irrigate and serve the intended uses of the dedicated park land shall follow the provisions prescribed in the Town's Water Dedication Policy, as amended.

g. Areas Not Eligible: Lands within the following areas shall not be counted towards required open space dedication:

1. Ranch land, private animal corrals and stables, and raising of livestock;
2. Row crop;
3. Free standing or ground mounted solar or wind energy generation facilities;
4. Overhead transmission lines;
5. Private yards;
6. Public or private streets or rights-of-way not intended for open space-related purposes;
7. Open parking areas and driveways for dwelling units;
8. Pocket, neighborhood, and community parks;
9. Land covered by structures not intended solely for recreational uses;
10. Streetscape or landscape buffers;
11. Median strips;
12. Active oil and gas well sites and required setbacks; and
13. No constructed stormwater management facilities including stormwater channels, irrigation channels, detention, retention, and water quality ponds. Existing and natural, undisturbed drainageways, ponds, and streams may be permitted.
14. Any area deemed not appropriate by the Director.

h. Exceptions. The Town may allow the dedication of open space that includes a prohibited land use if the land dedication otherwise contains significant improvement or other highly desired features that enhance the open space user experience.

5. ~~Open Space Design Standards.~~ The following design standards shall apply to all open space dedication as required herein this section.

- a. The design and construction of any open space required herein this section shall be in accordance with all applicable Town standards and the Park Design Guidelines. The open space design shall be completed by a landscape architect or civil engineer, licensed to work in the State of Colorado, and with experience and expertise in designing open spaces. Any open space plan required herein shall be reviewed and require the approval of the Town's Board of Trustees for compliance with these regulations and the Town's Park Design Guidelines.
- b. Open space shall not consist solely of undevelopable or "left- over" pieces of the site, but shall be designed as an integral part of the overall development plan, incorporating identified environmentally and historically significant components of the site.

- c. Open space shall be organized to create continuous integrated systems that physically and visually connect with the following features dedicated or identified in the Town of Frederick Parks, Open Space and Trails Master Plan:
 - 1. Parks or greenways;
 - 2. School sites;
 - 3. Historic, cultural, or archeological sites and features; or
 - 4. Trail and open space systems.
- d. To the extent reasonably feasible, open space shall visually and physically connect to designated open space of adjacent parcels or developments.
- e. To maintain strong visual and physical linkages, to the maximum extent reasonably feasible, open space shall not be less than 30 feet in width at the point of connection to adjacent lands or uses as described above. Where topography or other site features would prevent the above standard from being met, the point of connection may be reduced to less than 30 feet for short distances at the discretion of the Town.

F. Construction of Trails.

- 1. Master Planned Trails. It is the policy of the Town that trails are vital to the health, safety, and welfare of its residents and visitors. Therefore, the owner or developer of any new residential development consisting of one (1) or more residential lots or dwelling units or any new nonresidential development shall construct any and all trails as provided for or otherwise shown on the Town's adopted Trails Master Plan and Transportation Master Plan that are located within the proposed development's property boundary or located within any street right-of-way upon which said property has frontage.
- 2. Open Space Trails. In addition to the trail improvements required in subsection F.1. hereinabove, all dedicated open spaces shall include a combination of hard and soft trails and interpretive signage. A trail must circulate through and around the open space area and provide a connection to the Town's trail system. At a minimum, four hundred (400) linear feet of trail shall be provided for each one (1) acre of required open space land dedication.
 - a. (Number of required open space acres) x (400 linear feet) = required linear feet of trail (Decimals rounded up the nearest hundredth)
 - b. Example:

A 10-acre open space would be required to construct 4,000 linear feet of trail.

$$(10) \times (400) = 4,000 \text{ linear feet}$$

3. ~~Trail Design~~. The design and construction of any trail required by this section shall be in accordance with all applicable Town standards and the Park Design Guidelines. The trail design shall be completed by a landscape architect or civil engineer, licensed to work in the State of Colorado, and with experience and expertise in designing trails. The trail plans shall be reviewed and require the approval of the Town's Board of Trustees for compliance with these regulations and the Town's Parks and Open Space Standards and Specifications and the Park and Open Space Design Guide.

G. Timing of Dedication of Park Land, Park Improvements, Open Space, and Trails.

1. ~~Dedication Timing~~. The dedication of park land, the dedication of park improvements, the dedication of open space, and the dedication of trails, as provided herein this section, are required at the time of approval of any final plat and prior to recordation of said plat. If no plat is required, said dedications shall be required at the time of approval of the site plan and prior to the issuance of any building permits.
2. ~~Protection and Maintenance Required~~. The area dedicated or planned to be dedicated and any improvements shall be protected during construction. Any areas disturbed shall be restored and all improvements, including landscaping, shall be maintained and repaired. All landscaping and groundcover shall be irrigated as necessary to ensure the establishment and survival of the vegetation.
3. ~~Surety and Agreement In Lieu of Dedication~~. All land must be dedicated and all improvements constructed and inspected by the Town for acceptance and/or fees paid prior to final approval of any plat or site plan, as applicable, unless a written agreement and financial surety (in a form acceptable to the Town) is provided to ensure the dedication and completion of improvements in a timely manner.
4. ~~Combining Dedication and Improvements~~. Subject to approval by the Town Board of Trustees, land dedications and improvements may be combined or timed with other dedication requirements to create a larger park site or open space should that be determined beneficial to meeting the intent of this section.

H. Fee in Lieu of Park Land or Open Space Dedication and/or Park Improvements or Trails

1. ~~Fee in Lieu~~. Subject to the approval of the Town's Board of Trustees, the developer required to dedicate park land and open space and make park improvements and construct trails may pay a fee in lieu of said dedication and improvements. Fee in lieu may be for all or a portion of either the land dedication and park improvements or trails. This fee in lieu option may also be used when the calculated dedication results in a land

area that is smaller than the minimum park or open space standard as provided herein this section.

2. ~~Land Dedication Fee Calculation~~: The fee in lieu of land dedication (parks and open space) shall be based upon the current, fair market value of the land requirements to be dedicated. This value shall be calculated by a written appraisal provided by a licensed land appraiser. The licensed appraiser shall be approved by the Town and the appraisal fee paid by the developer.
3. ~~Park Improvement and Trail Fee Calculation~~: The fee in lieu of the park improvement or trails shall be based upon the current cost to complete said improvements. This cost shall be calculated by the receipt of written estimates or bids from one or more licensed contractors approved to work in the Town based upon an approved park design and trail design. Costs for the park and/or trail design and estimates or bids shall be paid by the developer.
4. ~~Use of Fees Collected~~: Any fees collected by the Town as provided above shall be deposited into the Parks and Open Space Fund to be used for the acquisition of park land and/or the construction of park improvements for any land or park that will serve the residents of the proposed development. This includes future pocket parks, neighborhood parks, community parks, regional parks, open spaces, and trails.

I. Ownership and Maintenance.

1. ~~Ownership~~. Park land and open space and park improvements and trails dedicated and constructed under this section shall be owned and maintained by a metro district, homeowner's or condo association (or property owner in the case of a rental multi-family or commercial development), unless otherwise determined by the Town. Any land dedicated to the Town shall be transferred by warranty deed, with title of the land being free and clear of all liens and encumbrances, including the proration of property taxes at the time of conveyance.
2. ~~Maintenance Agreement Required~~. The owner of the park land and/or open space dedication and the park improvements and trails required under this section shall enter into an agreement to maintain said land and improvements in accordance with the approved plans. The level of maintenance of all park land and open space and all park improvements including but not limited to park shelters and structures, playgrounds, sidewalks and trails, parking lots, signage, lighting, fencing, playfields, lawns, and landscaping shall be as determined and provided by this maintenance agreement.

J. Public Access and Use.

1. ~~Public Access and Use Agreement and Easement Required~~. A public access and use agreement and easement shall be in place to allow the public to access and use the park

site, trails, and open space with reasonable limitations, unless otherwise approved by the Town. This public access and use provision may be waived by the Town for all or part of a park dedication within an exclusively private development or private area of a development and for open space that is not deemed appropriate for access by the public.

Sec. 16-4-70. Public Sites and Other Dedications.

The subdivider shall dedicate or convey land for a public school site to the St. Vrain Valley School District RE-1J, hereinafter "School District," or in the event the dedication of land is not deemed feasible or in the best interests of the School District as determined by the Superintendent or designee of the School District, the subdivider shall make payment in-lieu of land dedication or conveyance. The amount of contribution of either land or payment in-lieu of land shall be determined annually by the School District.

- A. ~~Exemptions from fair contributions for public school sites.~~ The following uses shall be exempt from the fair contributions for public school sites requirements:
1. Construction of any non-residential building or structure.
 2. Alteration, replacement, or expansion of any legally existing building or structure with a comparable new building or structure that does not increase the number of residential dwelling units.
 3. Construction of any building or structure for limited-term stay or for long-term assisted living, including but not limited to bed and breakfast establishments, boarding or rooming houses, family care homes, group care homes, halfway houses, hotels, motels, nursing homes, or hospices.
 4. Construction of any residential building or structure classified as housing exclusively for older persons, pursuant to the Federal Fair Housing Act, as amended.
- B. ~~Land dedication.~~ In the event the fair contribution for public school sites includes the dedication of land, prior to recording the final plat the following items shall be completed by the subdivider:
1. The subdivider shall convey to the School District, by general warranty deed, title to the land slated for dedication, which title is free and clear of all liens, encumbrances, and exceptions (except those approved in writing by the School District), including, without limitation, real property taxes, which will be prorated to the date of conveyance or dedication.
 2. The subdivider shall provide to the Town proof of the dedication or conveyance.
 3. At the time of dedication or conveyance, the subdivider shall provide a title insurance commitment and policy in an amount equal to the fair market value of the dedicated property.

4. The development agreement for the subdivision shall provide for the installation of the streets adjacent to the school site, the installation of water, sewer, and other public utilities to the school site, and overlot grading of the school site.
5. Cash in-lieu of land dedication. In the event the fair contribution for public school sites includes payment in-lieu of the dedication of land, prior to the issuance of any building permit for any residential dwelling unit not otherwise exempt under **Subsection (1) above**, the subdivider shall pay to the School District, on behalf of the Town, the cash to be paid in-lieu of land dedication.

Sec. 16-4-80. Landscaping.

A. Purpose and Intent.

1. ~~Purpose.~~ The purpose of this section is to establish minimum landscaping and buffering requirements.
2. ~~Intent.~~ The intent of this section is to preserve and enhance the Town's special character, and promote high quality landscape within new development that:
 - a. Reinforces the identity of the community and each neighborhood;
 - b. Provides tree-lined and landscaped streets, which contribute to the safety of pedestrians and motorists;
 - c. Contributes to desired community character by softening the visual impacts of buildings and development, breaking up the appearance of building mass, and providing contextually appropriate balances among landscaping, buildings, and paved areas;
 - d. Screens unsightly land uses and structures from view from public rights-of-way and neighboring residential properties and contributes to the mitigation of off-site impacts including dust, noise, and external lighting;
 - e. Provides tree canopies over, and landscaping within, paved areas to enhance community aesthetics, reduce the urban heat island effect, and slow storm water runoff;
 - f. Preserves existing trees, conserves and efficiently utilizes water, prioritizes the planting of native species, and enhances valuable habitat, all of which promote natural resource stewardship;
 - g. Promotes health, wellness, community vitality, interest, public safety, and physical comfort; and
 - h. Provides for structured and nonstructured recreation areas.

- B. ~~Applicability~~. The standards of this section apply to all new development, redevelopment, or substantial improvements to existing sites or buildings.
- C. Landscape plan, hydrozone plan, and irrigation plan required.
1. Applicability and exceptions.
 - a. All land development or redevelopment applications shall be accompanied by an appropriate landscape plan, hydrozone plan, and irrigation plan. Building permit applications for individual single-family residences will not require landscape plans, hydrozone plans, or irrigation plans, but landscaping on properties designated for single-family residences shall comply with applicable requirements of this section.
 - b. Any portion of existing landscaping that is renovated and requires an irrigation system shall comply with this section. Renovations include expansions and rehabilitation of landscape materials (except pruning) and components installed (except replacement of rocks or mulch) prior to the adoption of these regulations.
 2. Landscape plan, hydrozone plan, and irrigation plan requirements.
 - a. All final and approved landscape plans shall be developed and stamped by a professional landscape architect who is licensed by the State Board of Landscape Architects, or an equivalent approved by the Director. Landscaping improvements on a lot used for single-dwelling detached or paired home purposes are exempt from this requirement, except as may be provided in an agreement between the Town and the developer.
 - b. All landscape plans, hydrozone plans, and irrigation plans shall follow requirements outlined in Town of Frederick Development Application User Guides.
 - c. Landscape, grading, and utility plans shall be coordinated to ensure consistency.
- D. Landscape design principles.
1. Application of landscape design principles. The landscape design principles of this Section are intended as guidelines for landscape design. They are not intended to be applied to require more landscape material or larger setbacks or buffers than otherwise required by this Code. However, the Town may request redesign or alternative arrangement of required landscaping to optimize the application of these principles.

2. General landscape design principles. Landscape plans shall be guided by the following design principles:
 - a. Building orientation, site design, and planting schemes should address climatic and micro-climatic conditions to promote the wise use of water and energy resources;
 - b. Plant and turf selection and placement should prioritize minimizing water use and maintenance requirements, while enhancing the pedestrian experience;
 - c. Soil moisture should be maintained, and evaporation reduced, through the optimal use of layered landscaping (e.g., organic mulch, ground cover, shrubs, grasses, and overstory landscaping);
 - d. Plant materials should be organized into hydrozones according to microclimatic needs and water requirements;
 - e. Soil should be augmented as needed to promote plant health and longevity;
 - f. Irrigation systems should be efficient, with weather and rain gauges to minimize resource consumption, waste, and optimize the efficiency of water use;
 - g. Landscapes should be attended to with appropriate maintenance, care, and irrigation schedules;
 - h. Where landscaping is adjacent to a transportation corridor, it should be designed to provide for the safety and comfort of all users of the transportation corridor, provide access to all ages and abilities, and reduce opportunities for illicit activity or behavior;
 - i. As appropriate to Colorado's climate and to the extent allowed by Colorado water law, materials (e.g., permeable pavers), systems, and landscape designs that minimize storm water runoff and maximize water infiltration while reducing the potential for nonpoint source groundwater pollution should be used;
 - j. Native species and natural drainage ways should be protected;
 - k. Landscapes should provide for seasonal variation in interest, as well as framing and buffering of views (as appropriate), and the careful placement of overstory and understory materials to mitigate winter winds and provide shade from summer sun;
 - l. Where a subject property is adjacent to a natural resource or amenity such as a flood plain, trail corridor, park, or other open space, the landscape plan should be designed to complement the natural character and integrity of the resource or amenity; and

- m. Trees and shrubs located adjacent to natural streams and wetlands should be preserved in their current locations in order to filter runoff.

E. Landscape requirements.

1. General.

- a. ~~Coverage with living plant material.~~ Covering landscaped areas with living plant material aims to add color and versatility to outdoor landscapes.

- 1. All distinct landscaped areas shall be designed with a minimum of fifty (50) percent coverage with living plant material at maturity. Living plant materials may include shrubs, ornamental grasses, perennials, and turfgrass.
- 2. No more than fifty percent (50%) may be nonliving material, such as wood mulch, and rock.
- 3. Areas of the site designated for drainage purposes shall not include wood mulch.
- 4. Landscaped areas shall not be covered in native seed in the front of principal buildings, unless approved by the Director.
- 5. Plant material shall be planted or installed as appropriate to meet the requirements of this section and to stabilize soil and prevent erosion.

- b. Non-functional turf.

- 1. Non-functional turf shall be prohibited in medians and transportation corridor landscaping, commercial, institutional, industrial, or common interest community property and in multi-family developments with over twelve (12) dwelling units.

- c. Artificial turf.

- 1. Functional artificial turf shall only be permitted in areas per the definition of functional artificial turf.

- d. ~~Mulch.~~ Including wood mulch and rock mulch.

- 1. Rock mulch placed within one (1) foot of a sidewalk or vehicular use area shall be a minimum of 2" in diameter.
- 2. Wood mulch placed within one (1) foot of a sidewalk or vehicular use area must be contained with a border such as a curb or steel edger.
- 3. Where used, mulch shall be applied over a weed control barrier to a depth of three (3) inches.

- e. ~~Drainage~~. Landscaping improvements, including any artificial turf, shall not alter the drainage pattern or amount of storm water runoff that is set out in the applicable, approved grading plan, or if there is not a grading plan and one was not required, such improvements shall not alter the drainage pattern or amount of storm water runoff.
2. Size and quality of landscape plants.
- a. In general, plant materials that are installed according to the requirements of this section shall meet the standards that are set out in this section. However, the Town may require larger sizes as it determines necessary to ensure survival, or to implement a condition of approval of a limited use, a conditional use, or a requirement that is set out in an approved planned unit development document.
 - b. ~~Shrubs~~. When grouped in three (3) or more, shall be installed in a shrub bed, which are defined as mulched planter areas.
 - c. ~~Minimum size of landscape materials~~. The minimum size of landscape materials used to satisfy the requirements of this section are set out in Table 2-1, Plant Material Requirements.

Table 4-1 Plant Material Requirements

Plant Type	Minimum Planting or Installation Size
Deciduous Shade Tree	1.5 inch caliper measured 6 inches above ground
Deciduous Ornamental Tree	1 inch caliper measured 6 inches above ground; or multi-stemmed clump form with minimum height of 4 feet
Evergreen Tree	6 feet height
Evergreen and Deciduous Shrubs	5 gallon container
Ornamental Grasses and Perennials	1 gallon container

Ground Covers and Vines	1 gallon container
-------------------------	--------------------

~~d. Specification of landscape materials.~~ All plant material shall be true to type, form, species, quality, and free of injury, broken root balls, pests, and diseases, as well as conform to the minimum requirements described in the "American Standards for Nursery Stock" (ANSI Z60.1), published by AmericanHort, as may be amended from time to time, and follow the Green Industries of Colorado ("GreenCo") Tree Planting Recommendations, as may be amended from time to time. Plant materials shall have normal, well-developed branches and vigorous root systems.

3. Selection and arrangement of plant material.

- a. ~~Water conservation required.~~ All landscaping plans shall be designed to incorporate water-conserving materials and techniques, including low-water use and native plants, hydrozoning, and efficient irrigation systems. Water conservation does not include or allow nonfunctional artificial turf (except for residential development of twelve (12) units or less) or artificial plants, large mulched (including gravel) beds, or areas without landscape plant material, paving of areas that are not required for walkways, plazas, or parking lots, bare ground, weed covered or infested surfaces, or any landscaping that does not comply with the standards of this Article.
- b. ~~Tree spacing.~~ Trees shall be spaced as outlined in this Section. Exceptions to these requirements may be approved by the Director where utilities are not located in their standard designated locations, or where the landscape design is otherwise incompatible with existing and planned utility installations. Tree and utility separations shall not be used as a means of avoiding the planting of required street trees.
 - 1. Tree spacing shall allow for adequate growth of plants at maturity and for intersection visibility.
 - 2. Spacing from street lights.

- i. Deciduous shade trees and evergreen trees that reach a mature height of fifteen (15) feet or larger shall be located a minimum forty (40) feet from street lights.
 - ii. Deciduous ornamental trees and evergreen trees that reach a mature height of less than fifteen (15) feet shall be located a minimum of fifteen (15) feet from street lights.
- 3. Spacing from utilities.
 - i. Trees shall be spaced fifteen (15) feet from water and sewer mains and gas collection lines, six (6) feet from water, sewer, gas service lines, and electric lines, and ten (10) feet from fire hydrants. Trees located within the public right-of-way shall be permitted within these space requirements per the Director.
 - ii. Trees that reach a mature height of more than twenty-five (25) feet shall not be planted within twenty (20) feet of an overhead utility line.

c. ~~Sight distance triangles.~~ Landscaping near pedestrian and vehicle shall meet sight triangle requirements as noted in the Town of Frederick Design Standards and Construction Specifications.

d. ~~Approved plant species.~~ The Director shall maintain and periodically update an approved plant list, which shall identify approved plant species (including references to family and genus) that may be used to demonstrate compliance with the requirements of this Article. The Director shall also maintain an approved street tree list, which shall identify approved tree species that are permitted for use in right-of-way landscaping.

e. ~~Prohibited plant species.~~ The Director shall maintain and periodically update a prohibited plant list, which shall identify plant species that are prohibited in the Town of Frederick (or prohibited in certain locations as may be specified).

f. ~~Plant selection.~~ Plants shall be selected from the approved plant list. The Director may approve or approve with conditions other plants if the Director finds that they are low maintenance, noninvasive, drought-tolerant, water-wise, and otherwise appropriate for use in the locations in which they are proposed.

1. Native, drought-tolerant, and water-wise plants and turf shall be used where practicable.
2. Plants shall be compatible with project soils.

~~g. Required biodiversity.~~ Landscapes shall consist of a variety of plant species to enhance biodiversity. No one plant species may make up more than twenty-five (25) percent of the nonturf plant materials on site.

4. Tree Preservation Requirements.

- a. ~~Applicability and exceptions.~~ Existing trees that are preserved on a subject property count towards the planting requirements of this Article; provided, that the applicant selects a Consulting Arborist, registered with the American Society of Consulting Arborists, or a Certified Arborist, registered with the International Society of Arboriculture, to create a tree preservation plan using the most recent version of the Guide for Plant Appraisal published by the International Society of Arboriculture.
- b. ~~Protected trees.~~ Existing significant trees within the development area and within natural habitat buffer zones shall be preserved to the extent reasonably feasible and may count as tree preservation credits. Such trees shall be considered "protected" trees. Streets, buildings, and lot layouts shall be designed to minimize the disturbance to significant existing trees.
 1. Existing trees to be preserved shall not be overmature, diseased, poor in form, leaning heavily over buildings, too close to building foundations, damaging sidewalks and driveways, or impacting utilities.
- c. ~~Tree Preservation Plan.~~ Concurrent with the submission of landscape and irrigation plans during the Development Process, properties subject to this chapter shall submit a tree preservation plan for approval by the Director, or their designee. The tree preservation plan shall be submitted and approved prior to any site activity or disturbances and shall include:
 1. Inventory of all existing trees four (4) inches DBH and larger on the site and specifically note any significant trees.
 2. A chart specifying size, species, condition, disposition for each existing tree, and indicate which trees are candidates for preservation, removal, or relocation.
- d. ~~Tree Preservation Calculation of Credits.~~ Preserved trees may count as more than one (1) tree for the purposes of the landscaping requirements of this section, as set out in **Table 4-2, Tree Preservation Credits.**

Table 4-2, Tree Preservation Credits

DBH of Tree to Be Preserved		Tree Credit	Landscaped Area Where Credit May Be Applied
Min. Diameter (Inches)	Up to, But Not Including		
None	10 inches	1	Location of preserved tree
10 inches	15 inches	2	Location of preserved tree
15 inches	20 inches	3	Location of preserved tree, or any other location except a buffer
20 inches	No limit	5	Location of preserved tree, or any other location except a buffer

- e. ~~Tree Protection.~~ Appropriate measures shall be undertaken to protect trees from construction activities. If any of the trees required to be retained or replanted as part of the tree protection plan should die within a period of three (3) years after completion of construction, the property owner shall replace trees within six (6) months of the issuance to the owner of a notice to replace.
1. Restrictions within dripline or critical root zone of trees used for credit. Construction activities around trees that are used for credit pursuant to this Section are restricted, within the larger of the perimeter of the dripline or the critical root zone. The following construction activities are prohibited:
 - i. Cutting or filling;
 - ii. Storage of building materials or debris;
 - iii. Disposal of waste;
 - iv. Installation of buildings, structures, or impervious paving.
 2. The larger of the dripline or the critical root zone shall be barricaded during construction to prevent damage to the preserved trees and their roots by construction equipment.

5. Mitigation Requirements.

- a. Applicability and exceptions. Where it is not feasible to protect and retain significant existing tree(s) or to relocate them to another on-site location, the applicant shall replace such tree(s) in addition to satisfying the tree planting standards of this Section. To the extent reasonably feasible, replacement trees shall be planted on the development site or, if not reasonably feasible, in the closest available and suitable planting site on nearby public or private property.
- b. Replacement Trees. No tree for proposed replacement shall be less than two (2) inches or more than three (3) inches in caliper and shall be of no less quality species than the tree removed, as determined by the Tree Appraisal.
 1. For example: Two (2), nine (9) inch DBH trees are removed because of site constraints; the tree inches lost equals eighteen (18) inches. These inches can be replaced by planting nine (9) two (2) inch caliper trees or six (6), three (3) inch caliper trees. Evergreen trees (e.g., Fir, Juniper, Pine and Spruce) are to be replaced with trees with the same level of quality by the ISA Guidelines, unless approved by the Director.
- c. ~~Relocation On-Site~~. If tree relocation within the site it attempted, it shall be performed by a professional forester or nursery operator. All measures shall be taken to ensure the life and good health of the tree(s).
- d. ~~Standard Landscape Requirements~~. Mitigation shall be in addition to standard landscape requirements established by this Article. In the case of tree removals, the location, species, and caliper of trees to be removed and their replacements shall be included on the landscape/site plan. In the case of tree relocations on site, the placement of the relocated trees shall be included on the landscape/site plan.

6. Landscaping categories and calculations.

- a. Landscaping categories.
 1. ~~Categories established~~. This section establishes standards for four (4) categories of landscaping:
 - i. ~~Right-of-way landscaping~~. Right-of-way landscaping is landscaping that is required within public street rights-of-way or adjacent to public street rights-of-way as provided in this Article.
 - ii. ~~Gateway landscaping~~. Gateway landscaping establishes a landscaped buffer for developments adjacent to arterial streets.

- iii. ~~Site landscaping.~~ Site landscaping is the landscaping that is required on a subject property, excluding parking lots and right-of-way landscaping.
 - iv. ~~Parking lot landscaping.~~ Parking lot landscaping is the required landscaping within and on the boundaries of surface parking lots.
 - 2. ~~Designation of categories on landscape plans.~~ Landscape plans shall delineate areas within the subject property to which each applicable landscaping category applies and shall provide a table showing the number square feet of land within each landscaping category and the proportion of the subject property (expressed as a percentage) occupied by each landscaping category.
- b. Calculations.
 - 1. ~~Counting areas.~~ No area of a subject property shall be counted more than once for the purposes of applying landscaping requirements unless specifically exempted below.
 - 2. Minimum required landscaping.
 - i. The minimum required landscaped area of a given multi-dwelling or nonresidential property shall be fifteen (15) percent of the lot area. The areas eligible to be counted toward this minimum are site landscaping and gateway buffer landscaping that are provided within the boundaries of the subject property.
 - i. Front yards of single-dwelling, paired home, and multiplex properties shall be landscaped according to the requirements set out in Section ~~2.14(3)(c)~~.
 - ii. For corner lots, both yards adjacent to the street shall be defined as front yards and shall meet the minimum landscape requirements.
 - iii. Side yards, no landscaping is required in side yards.
 - 3. Areas that shall not be included toward required site landscaping.
 - i. Areas within and extending up to fifteen (15) feet from plazas, play fields, golf greens and fairways, or other outdoor gathering spaces or recreation areas, the use of which would be diminished by the presence of trees;
 - ii. Areas within designated outdoor storage areas;

- iii. Areas within, and within five (5) feet of, irrigation ditch property or easements, or within thirty-five (35) feet of the outer toe of the ditch bank if the easement does not have delineated boundaries;
 - iv. Areas used for agriculture or gardens;
 - v. Wetlands and waterbodies;
 - vi. Areas where ground-mounted solar panels (of any type) are installed, and any areas around them that must be kept clear of vegetation to avoid shading of the panels in order to optimize their use;
 - vii. Permeable areas that are less than eighty (80) square feet that are enclosed by any combination of buildings, structures, impermeable surfaces such as asphalt or concrete; and
 - viii. Areas in which the soils or topography are not suitable for the establishment and growth of healthy trees, and that cannot reasonably be made suitable using soil amendments or grading. Soil and topography must be appropriate for plant species.
 - ix. No more than forty (40) percent of the area of vegetated storm water detention ponds and storm water retention ponds may be counted toward the minimum required landscaped area of a site, unless approved through alternative compliance. This percentage shall be calculated based on the plan view of the storm water retention pond.
- c. Right-of-way landscaping.
- 1. ~~Applicability and exceptions.~~ Landscaped areas within the right-of-way shall be provided as set out in this Section. The Town Engineer, after consultation with the Director, may waive or modify the requirements of this Section in order to resolve conflicts with utilities or street design requirements. Such waivers or modifications shall minimize reductions in the overall number of trees required by this Article, and tree plantings outside the right-of-way may be used to mitigate necessary reductions in the right-of-way landscape requirements adjacent to a subject property. Additional exceptions include:
 - i. Right-of-way landscaping is not required in the Agricultural (A) zone district, Agricultural Open Space (AOS) and Residential Estate (RE) zone district.
 - ii. In locations where a landscape master plan has been approved by the Town landscaping shall be consistent with the approved master plan.

- iii. Roads intersecting with the I-25 frontage roads are not required to have landscaped medians; however, the other applicable requirements of this Section shall apply along the I-25 frontage.
2. ~~Street corridors.~~ These corridors should feel cohesive. The selection and placement of plant materials shall enhance the aesthetic character of the corridor and adjacent properties. Rhythmic spacing and the use of a variety of tree species is encouraged to meet the intent of this standard.
3. ~~Tree lawns.~~ Landscaped areas within the right-of-way along arterial, collector, and local streets shall be installed by the developer and shall include street trees, coverage with living plant material (shrubs, ornamental grass, or perennials), and mulch.
4. ~~Coverage with living plant material.~~ Refer to Section 2.14(2)(a)(1).
5. Street trees.
 - i. ~~Minimum number of street trees.~~ One (1) deciduous shade tree for every forty (40) linear feet of road frontage or curb shall be provided.
 - ii. ~~Location.~~ Street trees shall be planted within the tree lawn portion of the right-of-way. Where a tree lawn is not available within the right-of-way or when it is not feasible or practical to place trees in the tree lawn, street trees shall be planted on the subject property within ten (10) feet of the right-of-way boundary; if this is not feasible, street trees shall be replaced with shrubs at a rate of ten (10) shrubs per eligible tree.
 - iii. ~~Spacing.~~ Street trees shall be spaced with adequate spacing to allow for the mature spread of the trees.
 - iv. ~~Rights-of-way adjacent to parks and open space.~~ Street trees that are required to be located along parks and open space shall conform to the requirements of Section 2.11(4)(a).
 - v. ~~Permitted tree species.~~ See approved street tree list.
6. Permitted grasses.
 - i. Native, warm season, and climate adapted grasses are permitted at the discretion of the Director. Factors such as irrigation needs, foot traffic tolerance, appearance, maintenance requirements, shade tolerance, and salt tolerance are all important aspects to consider when selecting the right grass option.

- ii. A maximum of fifty (50) percent of the landscaped area within the tree lawn may be grass per each street corridor. The remaining tree lawn area shall also meet the requirements for coverage with living plant material. The intent of the landscaping within the tree lawn is to provide for an even coverage with both living and non-living material. Large expanses of non-living material are discouraged.

7. Prohibited elements.

- i. High hydrozones are prohibited within right-of-way landscaping.
- ii. Nonfunctional turf is prohibited within street right-of-way, median, and transportation corridor landscaping.
- iii. Cool season grass varieties that have high water demands are prohibited.
- iv. Wood mulch is prohibited in right-of-way landscaping except up to four (4) feet around trees and shrubs.

8. Medians.

- i. A minimum of fifty (50) percent of the median shall consist of rock mulch coverage. No portion of the median shall consist of grasses or other living material unless approved below.
- ii. ~~Medians in arterial streets.~~ Medians in arterial streets shall follow the street tree requirement in this Section. Any additional living material is prohibited.
- iii. ~~Medians in streets other than arterials.~~ Medians in streets other than arterials shall follow the street tree and shrub requirements in this Section.
- iv. Street trees.
 - (1) ~~Minimum number of trees.~~ There shall be a minimum one (1) tree for every forty (40) linear feet of median. Fewer trees may be placed if the Director determines that such reduction will ensure that views of significant cultural, economic, or natural features are preserved and framed.
 - (2) ~~Spacing.~~ Trees shall be spaced with adequate spacing to allow for the mature spread of the trees.
 - (3) ~~Shrubs.~~ Shrubs shall be provided at a ratio of one (1) shrub per seventy-five (75) square feet of landscaped area.

9. ~~Roundabouts~~. Roundabouts should be appropriately landscaped to conserve water, minimize maintenance, promote traffic calming, and maintain visibility for safe pedestrian and vehicle circulation while enhancing and complementing the aesthetic character of the adjacent properties. The use of boulders, variation of rock mulch, artistic vertical elements, and berming are encouraged to meet the intent of this standard.
- d. Gateway landscaping.
1. Applicability. Gateway landscaping for all developments adjacent to all arterials is required as set out in this Section.
 2. High hydrozones. High hydrozones are prohibited in gateway landscaping.
 3. Nonfunctional turf. Nonfunctional turf is prohibited in commercial, institutional, industrial, or common interest community property.
 4. Coverage with living plant material. Coverage with living plant material is required within the gateway landscaping area. Refer to Section [2.14\(2\)\(a\)\(1\)](#).
 5. ~~Criteria~~ A minimum gateway landscaping of thirty (30) feet in width shall be provided and measured from the right-of-way line
 - i. No building or parking lot shall be permitted within gateway landscaping.
 - ii. Signage may be included in gateway landscaping, provided, that it conforms to [Article 6](#) and applicable site triangle requirements.
 - iii. Gateway landscaping may be reduced to fifteen (15) feet if used in combination with a masonry wall, that is consistent with the site architecture and materials as determined by the Director, between three (3) and four (4) feet in height. The wall shall be articulated every fifty (50) feet per the standards set forth in Section [2.16](#). The gateway landscaping shall be located between the masonry wall and the adjacent right-of-way.
 - iv. Trees. A minimum of one (1) tree for every fifteen hundred (1,500) square feet of landscaped area shall be required.
 - v. Shrubs. A minimum of one (1) shrub for every one-hundred fifty (150) square feet of landscaped area shall be required.
 6. For lots equal to one (1) acre or less, the gateway landscaping may count toward the site landscaping requirement per Section [2.14\(3\)\(b\)](#), when

applicable. For lots over one (1) acre in size, the gateway landscaping shall not be counted towards the site landscaping requirement.

e. Site landscaping.

1. Applicability and exceptions.

- i. Site landscaping is required as set out in this section. The standards of this section apply in all zoning districts except DT.
- ii. Living plant material shall not be required within five (5) feet of any building foundation.

2. Use-specific landscape requirements.

i. Residential, single-dwelling, paired home and multi-plex.

(1) ~~High hydrozones.~~ No more than fifty percent (50%) of the landscaped area shall be high hydrozone.

(2) ~~Coverage with living plant material.~~ Refer to Section [2.14\(2\)\(a\)\(1\)](#).

(3) ~~Trees.~~ A minimum of one (1) tree per single-dwelling/paired home lot shall be required to be planted within the front yard. Corner lots shall have one (1) additional tree placed in the side yard when practical.

(4) ~~Shrubs.~~ A minimum of five (5) shrubs per single-dwelling/paired home lot shall be required. Corner lots shall have five (5) additional shrubs placed in the side yard when practical. These shrubs shall count towards the required fifty (50) percent of coverage with living plant material.

ii. Residential, multi-dwelling, townhome, live/work, and other residential.

(a) ~~High hydrozones.~~ No more than thirty percent (30%) of the landscaped areas shall be high hydrozone.

(b) ~~Coverage with living plant material.~~ Refer to [Section 2.14\(2\)\(a\)\(1\)](#).

(c) ~~Trees.~~ A minimum of one (1) tree for every fifteen hundred (1,500) square feet of required landscaped area shall be required.

(d) ~~Shrubs.~~ A minimum of one (1) shrub for every one-hundred fifty (150) square feet of required landscaped area shall be required.

iii. Nonresidential.

- (a) ~~High hydrozones~~. High hydrozones are prohibited on nonresidential properties, unless otherwise approved by the Director.
- (b) ~~Nonfunctional turf~~. Nonfunctional turf is prohibited in commercial, institutional, industrial, and common interest community property.
- (c) ~~Coverage with living plant material~~. Refer to Section [2.14\(2\)\(a\)\(1\)](#).
- (d) ~~Trees~~. A minimum of one (1) tree for every fifteen hundred (1,500) square feet of required landscaped area shall be required.

1. Areas within vegetated storm water detention ponds and storm water retention ponds that are counted towards landscaping requirements shall be used for the calculation of tree planting requirements. However, the resulting required trees shall be planted elsewhere on the subject property.

2. Waiver or reduction of tree planting requirements. The Director may waive or decrease planting requirements if the total number of trees that are required exceeds the number that can be reasonably planted on the subject property without materially increasing fire risk, compromising the health of the trees, or diminishing the use of the property.

- (e) ~~Shrubs~~. A minimum of one (1) shrub for every one-hundred fifty (150) square feet of required landscaped area shall be required.
- (f) All existing development previously approved through a site plan shall be allowed to remain with existing amounts of high hydrozone plants.

f. Parking lot landscaping.

- 1. ~~Purpose~~. Parking lot landscaping shall break up expanses of pavement, provide shade, buffer views of parking lots from adjacent streets and development, and enhance the overall appearance of each project.
- 2. ~~Applicability and exceptions~~. All parking lots with ten (10) spaces or more on a single lot, shall be subject to the requirements of this Section. Parking lot landscaping requirements are in addition to any other landscaping that may be required for the site.

3. Trees and shrubs shall not interfere with driver visibility of pedestrians or drive-aisle traffic.
4. Turfgrass, native seed, artificial turf, and high hydrozones are prohibited in parking lot landscaping.
5. Mulch shall be sufficiently contained within parking lot islands.
6. Coverage with living plant material shall be required for all required landscaped areas. Refer to **Section 2.14(2)(a)(1)**.
7. Required site landscaping set out in **Section 2.14(3)(c)** shall be installed around the perimeter of parking lots to provide screening from adjacent streets and development, when feasible. Landscape for screening purposes is recommended to be within ten (10) feet of parking lot edge.
8. All developments shall provide:
 - i. A minimum of one (1) parking lot island per ten (10) contiguous spaces.
 - ii. Every parking lot island shall have a minimum of one (1) shade tree and five (5) shrubs. When the island consists of two (2) parking lot islands at the end of a two-row parking aisle, each side of the island shall provide one (1) shade tree and five (5) shrubs.
 - iii. Parking lot islands shall be at minimum the same dimensions as the adjacent parking stall(s).
 - iv. All rows of parking spaces shall terminate in a parking lot island, regardless of the number of contiguous spaces.
 - v. Parking lot lighting shall be located within parking lot islands where feasible.

Figure 2.14(3)(e).

INSERT

9. The Director may waive the planting requirements of this Section, or allow the landscaping to be planted in an alternative location on the subject property (if reasonably available), for any particular landscaped area or portion thereof if:
 - i. The tree(s) will block views that are necessary for safe ingress to or egress from the parking lot;

- ii. The tree(s) are in conflict with utilities and/or parking lot lighting;
- iii. The landscaped area is part of a storm water conveyance system and is not suitable for tree planting.

F. Installation and maintenance standards.

1. Timing of installation – Surety.

- a. ~~General~~. All approved and required landscaping outside of individual lot landscaping (e.g., subdivision outlots, pocket parks, subdivision open space, right-of-way tree lawns, etc.) shall be installed as stipulated in a development agreement with the Town prior to final acceptance of public improvements. For lot-specific development, such as single-family residential, multifamily, commercial, industrial, or other developments, all landscaping shall be installed prior to temporary certificate of occupancy or (in the case of residential development) certificate of occupancy, as applicable, or final inspection.
- b. ~~Seasonal delays~~. In no event shall landscaping be delayed beyond seven (7) months from issuance of a temporary certificate of occupancy or three (3) weeks into the beginning of the next planting season, whichever is sooner.
- c. ~~Surety~~. If landscaping is not installed at the time of temporary or final certificate of occupancy, then the developer shall post a financial guarantee for the installation of the improvements, based on one hundred twenty-five percent (125%) of the estimated total cost of installation. The estimated total cost of installation shall include all labor, materials, and necessary activities required for installation of the approved landscaping. The Town will release the guarantee after installation of improvements following a passed final inspection.

2. Maintenance.

- a. All landscaping elements and irrigation equipment shall be maintained in good condition. Ongoing maintenance, including but not limited to pruning, replacement of dead or unhealthy plantings, and replenishment of mulches, is required for areas that are landscaped pursuant to an approved landscape plan.
- b. Right-of-way landscaping maintenance. All property owners or occupants shall be jointly and severally responsible for the maintenance of landscaping within the portion of the public right-of-way between the back of the curb or street pavement and their adjacent property, unless otherwise specified in a maintenance agreement.
- c. Tree pruning techniques.

1. All pruning of trees shall be performed in accordance with ANSI A300, Part 1 (Pruning), as amended from time to time, and Tree Pruning Best Management Practices or Best Management Practices – Utility Pruning of Trees, as applicable (published by the International Society of Arboriculture), as either may be amended from time to time.
2. ~~Other private property.~~ The following pruning techniques are prohibited on trees that are preserved or planted pursuant to an approved landscape plan, and that are not otherwise subject to **Subsection (4)(b)(3)(a)** of this Section:
 - i. Topping (cutting large vertical branches of the tree to reduce its height).
 - ii. Tipping (cutting branches between nodes).
3. Bark ripping (cutting branches so that the bark rips when the branch falls).
4. Flush cuts (cutting the branch too close to the collar, the area where the branch connects to the tree).
5. Stub cuts (cutting branches too far away from the collar, the area where the branch connects to the tree).

G. Irrigation requirements.

1. Irrigation.

- a. ~~General.~~ All required landscaping shall be irrigated as required for plant establishment, health, and maintenance. The developer shall install irrigation systems that conform to requirements noted in the approved version of the Town of Frederick Design Standards and Construction Specifications, as they may be amended from time to time.
 1. Irrigation systems shall be placed in irrigation zones appropriate to the type and scope of the landscape improvements and plant requirements, including but not limited to landscaping within the right-of-way.
 2. Irrigation systems shall be capable of supporting multiple irrigation zones and settings, including adjusting for weather conditions and water restrictions.
 3. All irrigation systems shall have central control.
 4. All irrigation systems shall be connected to a back flow prevention device.

- b. ~~Irrigation water.~~ The developer or property owner shall provide water taps, irrigation improvements, and dedicate water as needed to supply the landscaping. Use of nontreated water for irrigation is encouraged if a permanent, suitable supply is available.
- c. Temporary irrigation. Temporary irrigation may be used to establish and maintain ground cover and plantings within natural areas, or areas set aside for later development, as approved by the Town. (Ord. 1396 § 2, 2024)

Sec. 16-6-90. Screening, Buffering and Fencing.

- A. ~~Purpose and Intent.~~ It is the intent of this Section to integrate adjacent land uses and provide seamless transitions from one (1) use to another through the use of building orientation and access, landscaping, and appropriate architectural elements to minimize the visual impacts on surrounding properties.
- B. General.
 - 1. All landscape screening requirements in this section shall be in addition to the landscape buffers required between use categories, gateway landscaping, on-site landscaping, etc.

C. Screening.

1. ~~Refuse / Recycling Collection and Donation Bin Facilities.~~ This includes dumpsters, garbage cans, trash compactors, recycling receptacles, donation bins, debris piles, or grease containers. This section does not apply to single dwelling detached units and paired-home units or to refuse collection receptacles such as garbage cans and recycling receptacles that are stored indoors and brought outdoors on garbage pickup days.

- a. Location.
 - 1. Refuse / recycling collection receptacles shall not be located within any area needed to meet the minimum parking and loading area requirements of the Land Use Code or be located in a manner that obstructs or interferes with any designated vehicular or pedestrian circulation routes on-site.
 - 2. Refuse / recycling collection receptacle gates shall not swing open into a right-of-way.
 - 3. Refuse / recycling collection receptacles shall be located together when more than one is proposed on a lot as approved on the site plan and shall be made to appear as an extension of the building, where possible.
 - 4. Refuse / recycling collection receptacles shall be located on the side or rear of buildings.
 - 5. No more than one donation bin is permitted per lot and shall be located on the side or rear of buildings.

- b. Screening.
 - 1. All outdoor refuse / recycling collection receptacles, excluding donation bins, shall be fully screened from view on all sides by a durable sight-obscuring enclosure consisting of a solid fence or wall a minimum six (6) feet in height and a maximum height of seven (7) feet.
 - 2. The enclosure shall match the building materials of the principal building that it serves.
 - 3. The access shall be screened with an opaque gate.
 - 4. The enclosure shall be maintained in working order and shall remain closed except during deposit and pick-up times.
 - 5. Lids are required on all outdoor refuse / recycling collection receptacles in screening enclosures without roof structures. Lids shall remain closed between pick-ups and shall be maintained in working order.
 - 6. Screening enclosures and gates shall be kept in good repair.
- 2. Service and off-street loading areas.
 - a. For the purposes of this section, "overhead doors / loading areas" includes service doors, loading docks, loading bays, delivery doors, and all other overhead doors except residential garage doors.
 - b. ~~Location~~. Overhead doors / loading areas shall not be located along the principal facade of buildings or facing any street.
 - c. ~~Screening~~. Overhead doors / loading areas shall be fully screened by use of solid wall, fence, or landscaping from right-of-way and adjacent properties.
 - 1. When the overhead door/loading area faces and abuts a property with residential use, the door shall be screened by a solid fence that is a minimum 6 feet in height and is subject to the fencing provisions.
- 3. Ground mounted mechanical equipment.
 - a. Ground mounted mechanical equipment in residential developments, such as air conditioning units, utility boxes, etc., shall be fully screened from public or private streets by use of evergreen landscaping, solid fence, or wall. When not practical or feasible, the director may allow ground-mounted mechanical equipment to be screened through painted murals.
 - b. Drive through service and stacking drives.
 - 1. See **Article XX Section XX**. Use specific standards.
- 4. Roof-mounted mechanical equipment.
 - a. All air conditioning, HVAC systems, exhaust pipes or stacks, elevator housing, satellite dishes, and other telecommunications receiving devices shall be fully screened from view from the public or private streets and from adjacent

properties through the use of architectural roof elements (e.g. screens, parapet walls, extended roof lines, etc.).

- b. Architectural roof elements shall match the architecture of the principal building.

5. Wall-mounted mechanical equipment and meters.

- a. Wall-mounted mechanical equipment includes but is not limited to air conditioning, HVAC equipment, and multiple utility meters.
- b. Wall-mounted mechanical equipment shall not be placed on the principal facade of a building.
- c. Wall-mounted mechanical equipment shall be fully screened from view from public and private streets and adjacent property by use of landscaping, solid fencing, or walls except to allow access for maintenance.

6. Outdoor storage.

- a. All principal or accessory outdoor storage areas shall be fully screened from view from public streets, private streets, parks and open space, trails, other public spaces, and all residential or mixed-use developments.
- b. Screening and articulation standards (see use-specific standards for outdoor storage as a principal or accessory use in **Article 2 Section X**).

D. Buffering.

- 1. Land Use buffers shall be incorporated between contrasting land use categories during time of establishing a new use, change of use, or expansion of a use on a lot or portion of a lot. Land use categories are established **in Section XX of the code**.
- 2. The following buffering standards shall apply:
 - a. The land use buffer shall be applied along the subject property line, adjacent to the existing use that prompts the need for installing a buffer. **See Figure XX**
 - b. The buffer shall be measured from the common property line into the site of the proposed use.
 - c. The land use buffer shall incorporate the landscaping requirement below and shall not include buildings or improvements (outdoor storage, drive aisles, etc.) within the buffer area. Trails and sidewalks may be allowed within the land use buffer areas.
 - d. The downtown zone district is exempt from the land use buffer requirements.
 - e. Buffer width requirements are found in **Table 4-2 Land Use Category Buffers** below:

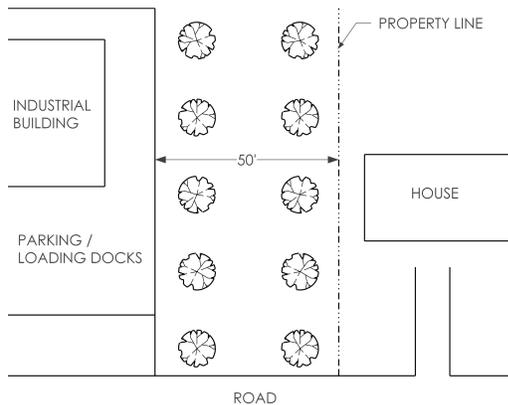
Table 4-3 Land Use Category Buffers

	Adjacent Existing Use
--	-----------------------

Use Requiring Buffer (New Use)	Residential	Commercial	Industrial	Public/Institutional*
Residential	-	30-feet	50-feet	15-feet
Commercial	30-feet	-	-	-
Industrial	50-feet	-	-	30-feet
Public/Institutional	15-feet	-	30-feet	-

Table notes:

1. The Director may impose additional buffering standards to any use that may have any potential adverse impacts on adjacent properties. The Director, at their discretion, may also reduce or eliminate the buffer requirement between any uses.
2. No buffer is required between land uses when a private or public street, outlot, or tract with a minimum width of sixty (60) ft is established or exists. When an outlot or tract of less than sixty (60) feet is between the land uses, the buffer shall still be applied.
3. Land use buffers shall incorporate landscaping within the buffer area at the following rate:
 - a. One (1) evergreen tree and three (3) shrubs for every twenty (20) feet of linear distance of buffer length. (i.e. If the property line between uses is one hundred (100) feet in length, five (5) evergreen trees and thirty-three (33) shrubs are required to be planted within the buffer.) The required landscaping shall be generally distributed along the linear distance of buffer length.
 - b. Landscaping within the buffer shall not count towards required site landscaping.
4. Earthwork berming of at least three (3) feet in height may be used to reduce any buffer distance by fifty (50) percent. (i.e. a fifty (50) foot land use buffer may be reduced to twenty-five (25) feet when a berm is installed within the buffer area). Landscaping is still required at the rate listed above. The berm shall contain natural contouring vs. installed in an unnatural straight fashion.
5. Required buffers around developments that incorporate vertical mixed-use may be reduced by fifty (50) percent from the otherwise required distance buffer. The required landscaping within these buffers shall be provided at the rates listed above. The land use buffer shall be applicable to the use in the mixed-use development with the greatest square footage, unless otherwise specified by the Director.



E. Fencing and walls.

1. ~~Purpose and Intent.~~ The purposes of these fencing and wall standards are:
 - a. To ensure that fences and walls properly screen properties and development.
 - b. To ensure that fences and walls are attractive and in character with the surrounding neighborhood.
 - c. To promote a more open character for development that visually integrates such development with the surrounding community.
2. General provisions.
 - a. Fences and walls shall be architecturally compatible with the style, materials, and colors of the principal buildings on the same lot.
 - b. The "finished" side of the fence or wall shall face outward while the "unfinished" side shall face inward towards the site.
 - c. Upkeep and appearance of all fencing and walls shall be the responsibility of the property owner or designated association or entity.
3. Location.
 - a. Fences and walls shall be located within or on property lines of the subject property.
 - b. Fences and walls adjacent to sidewalks and other pedestrian walkways shall be placed at least twelve (12) inches from the edge of the sidewalk or walkway. Gates adjacent to these sidewalks and walkways shall open inward to the property.
 - c. Opaque solid fences shall be located outside of any site distance triangle.
4. ~~Height limitations.~~ Fences and walls shall be:
 - a. ~~Front yard.~~ No more than forty-two (42) inches high between the front building face and the front property line (front yard). For corner lots, front yard fence regulations shall apply to both street sides of the lot.

- b. ~~Non-residential front yard~~. No more than forty-two (42) inches high if located on a side property line in the front yard, except if required for demonstrated unique security purposes and approved by the Director.
 - c. ~~Side and rear yards~~. No more than seven (7) feet high when located in the side or rear yard.
 - d. ~~Wing wall or fence~~. Permitted when attached to a building but not located directly in front of the building front facade. Such fence or wall shall follow the side and rear yard height limitations.
 - e. No more than thirty (30) inches high when located within any sight distance triangle. Fences and walls located within a sight distance triangle shall be no more than fifty (50) percent opaque.
 - f. ~~Heavy Industrial Flex~~. Permitted up to eight (8) feet in height when located in the Heavy Industrial Flex (HI-Flex) zone district.
 - g. ~~Recreational court~~. Permitted up to fifteen (15) feet in height when around a recreational court (e.g., tennis, squash racket, squash tennis, badminton, etc.) or around any other similar recreational area.
 - h. ~~Open space, parks and trails~~. Limited to four (4) feet in height when abutting open space, parks, and trails. Fences and walls that are not more than fifty (50) percent opaque may be extended up to five (5) feet in height at the Town's discretion.
5. ~~Perimeter fencing~~. Where perimeter fencing or walls are provided around a subdivision or development adjacent to a highway, arterial, or collector street, such fences or walls shall be subject to the following standards:
- a. The "finished" side of the fence or wall shall face the adjacent street, park, trail, or open space.
 - b. Fences or walls shall not exceed seven (7) feet in height.
 - c. ~~Articulation~~. Solid perimeter fencing shall include a recess, projection, plane break, or column every fifty (50) feet along the expanse of the fence or wall.
 - 1. Where a recess, projection, or plane break is proposed, it shall be of at least one (1) foot off the fence or wall plane. Any recess, projection, or plane break shall be at least six (6) feet in length.
 - 2. Fence or wall columns shall be at least two (2) feet in width and project at least one (1) foot from the fence or wall plane. The column shall be constructed of stone, brick, CMU, metal (non-reflective), or similar type of material. The fence column shall also include a column cap made of a similar material as the column. Wood is not permitted as a column material.

- d. When a primary entrance to a structure is oriented toward a perimeter fence or wall, the perimeter fencing or wall shall be limited to less than fifty (50) percent opaqueness and shall not exceed four (4) feet in height. Fences or walls required to screen parking are not subject to this requirement.
 - e. Chain link, wire mesh, or other similar products shall be prohibited as perimeter fencing. In residential development, light wire mesh may be attached to an open fence such as a wood three rail fence to keep pets and children from crossing through.
 - f. Landscaped berms may be used in lieu of fencing or walls, or in combination. Landscaped berms shall not be used in the downtown district. Landscape berms shall meet the following standards:
 - 1. Berms shall incorporate the curvilinear characteristics of natural landforms and shall not exceed four feet in height; and
 - 2. For visual relief, berms shall incorporate a variety of plantings.
6. Fence and wall materials.
- a. Fences. Treated wood, woodcrete, trex, vinyl, and cast iron are encouraged.
 - b. Walls. Stone or simulated stone, brick or simulated brick, and stucco are encouraged. All walls shall include a stone or cast stone cap.
 - c. Solid material fences shall be constructed to meet the wind design criteria of the currently adopted building code.
 - d. Open fencing styles may include wire mesh attached to the interior of the fence.
 - e. Chain link fencing is permitted in the following instances:
 - 1. In the Heavy Industrial Flex (HI-Flex) zoning district with the following restrictions:
 - i. The chain link fence is set back at least ten (10) feet from the property line;
 - ii. The chain link is powder or vinyl coated;
 - iii. It is no taller than eight (8) feet anywhere on the premises.
 - iv. The chain link fence shall not be used for screening purposes.
 - 2. Around a recreational area with the following restrictions:
 - i. The chain link is powder or vinyl coated.
 - 3. Around the playground area of a state licensed child care center with the following restrictions:
 - i. The chain link is powder or vinyl coated.
 - ii. The fence is less than five (5) feet tall.
7. Prohibited materials.
- a. Security fencing such as concertina or razor wire, barbed wire, or electronically charged fences are prohibited in all zone districts.

- b. Corrugated metal and highly reflective materials.
 - c. Chain link fencing, with or without slats, shall not be used as a fencing material except as listed above.
 - d. Fences constructed primarily of chicken wire, wafter board, particleboard, or plywood are prohibited along any property line or in any required building setback where visible from a street, park, open space, or trail.
8. ~~Nonconforming fences and walls.~~ Nonconforming fences and walls in existence on the effective date of the ordinance codified in this Article may continue to exist until such time as they are removed, or damaged such that the cost of repairs is greater than fifty (50) percent of their value, at which time the fence or wall must be brought into full conformance with this Land Use Code.
9. ~~Retaining walls.~~ Retaining walls shall be used to retain topography in constrained locations and/or to maximize buildings and recreational areas while being sensitive to a site's natural topography. The following standards shall be followed:
- a. Retaining walls shall be designed to resist loads due to the lateral pressure of retained material in accordance with accepted engineering practice and shall not be unsightly or detrimental to abutting property.
 - b. Retaining walls shall be limited to four (4) feet in height and made of stone or masonry material that matches or is complimentary to the architecture of the buildings.
 - c. Where multiple retaining walls are required, they shall be terraced with a minimum width of five (5) feet of live landscaping and a maximum of six (6) inches of sloped vertical elevation change on the terrace area between the walls. A maximum of two vertical walls is permitted unless otherwise approved by the Director. Designs with more than two vertical walls shall include enhanced landscaping features or architectural features to be approved by the Director.
 - d. Provide a minimum space of three (3) feet of live landscaping between any retaining wall and adjacent walkway or parking lot.

Sec. 16-4-100. Sidewalks, walkways, multi-use pathways, and trails.

- A. ~~Purpose and intent.~~ The intent of the standards for sidewalks, walkways, multi-use pathways, and trails is to assure a safe, convenient, and attractive pedestrian/bicycle system that minimizes conflicts between vehicles, bicycles, and pedestrians.
- B. ~~Interconnected network.~~ A pedestrian network that interconnects all dwelling units, nonresidential uses, parks, and open space, shall be provided throughout each development. This network is made up of sidewalks, walkways, multi-use pathways, and trails. These networks shall be separate and distinct from motor vehicle circulation to the greatest extent

possible. The pedestrian circulation system shall include gathering/sitting areas and provide benches, landscaping, and other street furniture where appropriate.

- C. ~~Sidewalks~~. All street sidewalks shall follow the design regulations outline in the Town of Frederick Design Standards and Construction Specifications.
- D. Walkways.
1. Pedestrian walkways shall form an on-site circulation system that minimizes conflict between pedestrians and traffic at all points of pedestrian access to streets, on-site parking, and building entrances.
 2. Site plans shall be designed with focus on pedestrian access points and connections to surrounding street and trail networks, destinations such as schools or shopping, and to pedestrian linkage points on adjacent parcels, including building entrances, transit stops, walkways, and signalized street crossings. On-site pedestrian walkways shall connect:
 - a. Building entrances to one another; and
 - b. From building entrances to public sidewalk connections and existing or planned transit stops. If buildings are not placed directly adjacent to the public sidewalk, then pedestrian walkways shall link the principal pedestrian site access to building entrances. All developments that contain more than one building shall provide walkways between the principal entrances of the buildings.
 3. Walkways. Walkways are sidewalks that are not within a dedicated street right-of-way. Walkways may be found in both residential and non-residential developments and shall be a minimum of five (5) feet in width.
 - a. Walkways along non-residential buildings and within parking lots shall be raised and curbed, where suitable. A direct pedestrian connection to building entries, public space, and parking areas shall be provided from public sidewalks.
 - b. Walkways shall be constructed of the same materials as sidewalks, except that walkways internal to asphalt surfaced parking lots may be of asphalt construction. Walkways crossing driveways in parking lots shall be clearly delineated by a change in pavement color, texture, or paint striping.
- E. ~~Multi-use pathways~~. Multi-use pathways (bike lanes) shall be provided to link internal open space areas with peripheral open space areas and shall connect to multi-use pathway routes throughout the community. Multi-use pathway routes shall be designated between residential areas and commercial and employment centers and schools.
1. Multi-use pathways on local streets may be delineated by painted "bicycle only" lanes.
 2. Sidewalks that may be used as a multi-use pathway are required on arterial and collector streets. All other multi-use pathways shall be a minimum of eight (8) feet wide and shall be of concrete construction or, where approved by the Board of Trustees, compressed gravel. Asphalt paving is prohibited.

- F. ~~Trails.~~ Trails shall be provided within and around parks and open space areas and shall be used to connect development areas with parks and open space areas.
 - 1. Local trails shall be a minimum of eight (8) feet in width and shall be of concrete construction.
 - 2. Master planned trails (Frederick Loop Trail and regional trails) shall follow the Town's adopted Trails Master Plan and Transportation Master Plan. See section XX for additional guidance.

16-4-110. Off-Street Parking and Loading.

- A. ~~Purpose and Intent.~~ This section is intended to provide for the location and design of off-street parking areas to accommodate motor vehicles, while balancing the needs of pedestrians, bicyclists, and transit users. Parking areas are secondary and supportive to the primary land uses on the site and parking lot design should reduce the prominence of these areas while emphasizing the primary facade and orienting pedestrians toward the principal entranceways and walkways.
- B. Applicability.
 - 1. The off-street parking and loading standards of this section shall apply to all parking lots and parking structures accessory to any new building constructed, to any site plan amendments, and to any new or changed of use in every zoning district.
 - 2. The requirements of this section shall apply to all temporary parking lots and parking lots that are the principal use on a site.
 - 3. Expansions or enlargements: This section shall apply when an existing structure or use is expanded or enlarged.
- C. Parking lot layout and design plan.
 - 1. The parking lot layout and design plan shall be prepared by a design professional such as a certified land use planner, landscape architect, registered engineer, or registered architect. Such plans shall not be prepared by land surveyors unless they are an otherwise qualified design professional.
 - 2. Provisions shall be made to minimize interference with street traffic flow and assure safe interior vehicular and pedestrian circulation, transit, and parking.
- D. Off-street parking requirements (10 or more spaces).
 - 1. Unless otherwise expressly stated in this Code, off-street parking spaces shall be provided in accordance with Table 4-3 Off-Street Parking Requirements and Table 4-4
 - 2. Developments that include site plan approvals that would permit a future change of use that will require additional parking to meet the standards of this section shall provide an undeveloped area on the site that can accommodate any future parking needs. However, such area for future parking does not need to be paved or improved. This space should, however, be landscaped in accordance with the Town's landscaping regulations. Failure

to provide such space will not allow for future uses for which parking requirements cannot be met.

3. Off-street parking location.
 - a. An off-street parking lot or parking area for residential uses shall be located within two hundred (200) feet of the primary building entrance of the primary building.
 - b. An off-street parking lot or parking area for non-residential uses shall be located within six hundred (600) feet of the primary building entrance of the primary building.
 - c. Off-street parking shall be located on the same lot or parcel of land as the structure they are intended to serve, unless off-site parking is approved by the Director.
 - d. Off-street parking spaces for non-residential uses shall not be located in front of garage doors.
 - e. Off-street parking spaces for non-residential uses may only be located adjacent to building doors when a pedestrian walkway is provided between the building and all parking spaces on that side of the building.
 - f. Outside of the DT, no more than seventy (70) percent of the total off-street parking provided shall be located between the front facade of the principal entranceway and the principal adjacent street.
 - g. In the DT district, all off-street parking shall be located to the rear or side of all primary buildings and not along primary street frontages.
 - h. All parking lots shall be located a minimum of ten (10) feet from any principal building facade.
 - i. The following shall count toward the minimum parking requirements:
 - i. Surface parking.
 - ii. Accessible parking.
 - iii. Vanpool and carpool parking.
 - iv. Structured parking, underground parking and parking within, above, or beneath the building(s) it serves.
 - v. Electrical charging parking.
 - vi. Pickup or mobile order parking spaces.

Table 4-4 Off-Street Parking Requirements

Residential Uses	Minimum Off-Street Parking Requirement, DU = Dwelling Unit
Single-dwelling detached	2 spaces per DU
Paired home	1.5 spaces per DU. Guest parking: 0.25 space per DU when on-street parking and driveway parking is not available
Townhome	Studio or 1BR: 1 space per DU; 2 BR: 1.5 spaces per DU; 3 or more BR: 2 spaces per DU. Guest parking: 0.25 space per DU

Multi-plex	Studio or 1BR: 1 space per DU; 2 BR: 1.5 spaces per DU; 3 or more BR: 2 spaces per DU. Guest parking: 0.25 space per DU
Multi-dwelling	Studio or 1BR: 1 space per DU; 2 BR: 1.5 spaces per DU; 3 or more BR: 2 spaces per DU. Guest parking: 0.25 space per DU
Live/Work	Studio or 1BR: 1 space per DU; 2 BR: 1.5 spaces per DU; 3 or more BR: 2 spaces per DU. Guest parking: 0.25 space per DU for 4 or more DUs
Manufactured home	2 spaces per DU
Assisted Living or Congregate Care	1 per 3 assisted living rooms or nursing rooms
Nursing Home, Memory Care, Alzheimer's Care	1 per 3 assisted living rooms or nursing rooms
Protective Care	1 space per 300 SF office space plus 1 per 4 beds design capacity
Group homes	1 space per 300 SF office space plus 1 per 4 beds design capacity
Boarding and Rooming Houses	1 space per 300 SF office space plus 1 per 4 beds design capacity
Commercial	Off-Street Parking Requirement (Minimum)
Accommodations - Hotel or Motel	1 per guest room
Accommodations: Bed and breakfast	1 per guest room plus 1 per employee DU
Agricultural Cultivation	No parking required
Agricultural Event Center	Parking study
Agricultural Grazing	No parking required
Agricultural Processing	1 space per 300 SF GFA of administrative office area
Animal Hospital, Large Animals	1 space per 400 SF of GFA
Animal Hospital, Small Animals	1 space per 400 SF of GFA
Auction Yard	1 space per 300 SF of GFA of office plus 1 per XXX of indoor event space. Parking study required for facilities with outdoor event space.
Bar or tavern	1 space per 150 SF plus 1 space per 250 SF of outdoor seating area
Breweries and Distilleries	Indoor tasting / seating area: 1 space per 150 SF; Outdoor seating area: 1 space per 250 SF of outdoor seating area
Campgrounds and Recreational Vehicle Parks	1 10' X 30' space for every campsite

Car Wash	1 space per 300 SF of indoor sales / office area (plus vehicle stacking spaces)
Check-cashing facility	1 space per 300 SF (plus vehicle stacking spaces if drive-through is provided)
Child Care Center, Commercial	1 space per 6 children of licensed capacity
Commercial Amusement, Indoor	1 space per 250 SF GFA
Commercial Amusement, Outdoor	1 space per 500 SF GFA
Commercial Stables	1 space per every 2 stalls
Dental or Medical Office, Clinic, or Lab	1 space per 300 SF of GFA
Financial Institution	1 per 300 SF (plus vehicle stacking spaces if drive-through is provided)
Fueling Station	1 space per 500 SF of GFA of indoor sales / office area
Funeral Parlor, Mortuary or Crematory	5 visitor spaces plus 1 per 1,000 SF GFA
General Retail	1 space per 300 SF (plus vehicle stacking spaces if drive-through is provided)
Golf Course	Parking study
Hospital	1 per 3 patient beds
Kennel or Animal Day Care (Indoor and Outdoor Facilities)	1 per 500 SF
Laboratory (Research)	1 per 300 SF
Natural Medicine Manufacturing	See Table 4-5
Natural Medicine Healing Center	1 per 300 SF
Office, General	1 per 300 SF
Outdoor Recreational Vehicle Storage	See Table 4-5
Parking Structure	N/A
Pawnbroker Business	1 space per 300 SF

Personal Service Establishment	1 space per 300 SF
Recording or Broadcasting Studio	1 space per 300 SF
Restaurant (with drive-up or drive-through)	1 per 200 SF (plus vehicle stacking spaces if drive-through is provided) plus 1 space per 250 SF of outdoor seating area
Restaurant (without drive-up or drive-through)	1 per 200 SF plus 1 space per 250 SF of outdoor seating area
Sexually-oriented business	1 space per 300 SF
Shooting Range, Indoor	1 space per target area, plus 1 space per employee
Substance Abuse Treatment Facility, Outpatient	1 space per 4 client capacity
Towing and Storage Facility	See Table 4-5
Urgent Care Facility	1 per 200 SF
Vehicle Sales and Rental, Heavy	See Table 4-5
Vehicle Sales and Rental, Light	See Table 4-5
Vehicle Service and Repair, Heavy	See Table 4-5
Vehicle Service and Repair, Light	See Table 4-5
Vocational School	2 per classroom + 1 space per 500 SF of office space
Industrial	Off-Street Parking Requirement (Minimum)
Airport and related uses	Parking study
Building Materials and Lumber Sales	See Table 4-5
Contractor's Shop or Storage Yard	See Table 4-5
Heavy Equipment Sales, Service and Rental	See Table 4-5
Helistop	Parking study
Industrial, Heavy	See Table 4-5
Industrial, Light	See Table 4-5
Larger Vehicle Transportation Center / Maintenance Facility	Parking study
Light Equipment Sales, Service and Rental	See Table 4-5

Mining and Mineral Extraction	Parking study
Oil and Gas Operations	Parking study
Recycling Center	Parking study
Research and Development Facility	Parking study
Sanitary Landfill	See Table 4-5
Self-Storage	See Table 4-5
Utility Facility, Major	Parking study
Utility Facility, Minor	Parking study
Wholesale Distribution Center	See Table 4-5
Wireless Communication, Attached	No parking required
Wireless Telecommunication, Alternative Tower Structure	No parking required
Wireless Telecommunication, Free Standing	No parking required
Wireless Telecommunication, Small Cell	No parking required
Public or Institutional	Off-Street Parking Requirement (Minimum)
Auditorium	1 per 4 seats
Botanical garden or zoo	Parking study
Cemetery	Parking study
College or University	Parking study
Community Facility, Public or Private	Parking study
Community Garden	No parking required
Essential Infrastructure Facilities	Parking study
General Assembly	1 space per 100 SF of assembly space
Governmental Office / Service	1 space per 300 SF
Library or museum	Parking study
Park	2 spaces per 1 acre of neighborhood park; parking study for community parks
Public Works Facility	See Table 4-5
Recreation Center (Indoor / Outdoor)	Parking study

Residential Assembly (HOA)	1 space per 500 SF of assembly space and activity space
School - Private	2 per classroom + 1 space per 500 SF
School - Public	2 per classroom + 1 space per 500 SF
Transit Center	Parking study
Wastewater and Water Treatment Facilities	Parking study

Table 4-5 Additional Off-Street Parking Requirements

Activity	Number of Spaces Required
Office or administrative area	1 per 300 SF
Indoor sales area	1 per 200 sq. ft.
Outdoor sales or display area (3,000 SF or less)	1 per 750 sq. ft.
Outdoor sales or display area (over 3,000 SF)	
Motor vehicle/equipment sales	1 per 2,000 sq. ft.
Other sales/display	1 per 1,000 sq. ft.
Indoor storage/warehousing/vehicle service/manufacturing area	
1 – 3,000 square feet	1 per 250 sq. ft.
3,001 – 5,000 square feet	1 per 500 sq. ft.
5,001 – 10,000 square feet	1 per 750 sq. ft.
Over 10,001 square feet	1 per 1,250 sq. ft.

- 4. Accessible Parking Spaces.
 - a. Accessible parking spaces shall be required for all non-residential and multi-dwelling uses.
 - b. Accessible parking spaces shall be located as close as possible to the nearest accessible building entrance.
 - c. Accessible parking spaces may count towards required off-street parking.
 - d. Accessible parking spaces shall be appropriately marked with a freestanding sign, in conformance with the Manual on Uniform Traffic-Control Devices, using the standard uniform words and/or symbols that signify the space as parking for the physically disabled only. Van-accessible spaces shall have a sign located below the accessible sign indicating the space to be van-accessible.

- e. For every eight (8) accessible parking spaces, there must be at least one (1) van-accessible space. If there is only one (1) accessible parking space, that space must be van-accessible.
- f. Facilities providing medical care and other services for physically disabled persons shall provide the following:
 - 1. Outpatient units and facilities (including but not limited to medical clinics and offices): Ten (10) percent of the total number of off-street parking spaces.
 - 2. Units or facilities that specialize in treatment or services for persons with mobility impairments (including but not limited to physical therapy clinics): Twenty (20) percent of the total number of off-street parking spaces.
 - 3. Assisted living facilities, group homes, and related facilities shall follow the parking standards for multi-dwelling buildings in terms of meeting ADA requirements.
- g. The number of required accessible parking spaces shall follow the amounts found in Table 4-6 Number of Accessible Parking Spaces.

Table 4-6 Number of Accessible Parking Spaces

Total number of required off-street parking spaces	Minimum number of accessible parking spaces	Minimum number of van accessible parking spaces
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	2
301 to 400	8	2
401 to 500	9	2
501 to 1,000	2 percent of total number of parking spaces	1 out of 6 accessible parking spaces, rounded up

1,001 and over	20, plus 1 for each 100 parking spaces in excess of 1,000 parking spaces	1 out of 6 accessible parking spaces, rounded up
-----------------------	--	--

5. Parking study requirements for miscellaneous uses.
 - a. Uses that reference this section have widely varying parking and loading demand characteristics, making it impossible to specify a single off-street parking or loading standard. Upon receiving a development application for a use subject to this section, the Director shall apply the off-street parking and loading standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking requirements on the basis of a parking and loading study prepared by the applicant. Such a study shall include estimates of parking demand based on recommendations of the Institute of Transportation Engineers (ITE), or other acceptable estimates as approved by the Director, and should include other reliable data collected from uses or combinations of uses that are the same or as comparable with the proposed use. The degree of comparability will be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

6. Maximum number of spaces permitted.
 - a. ~~General maximum requirement.~~ Off-street vehicle parking spaces shall not be provided in an amount that is more than one-hundred twenty-five (125) percent of the minimum requirements established in the table above. The maximum number of allowable parking spaces may be adjusted by the Director if the applicant provides written information documenting that the proposed use would not be economically or physically viable without such adjustment.
 - b. Exceptions to the maximum parking requirement may be permitted by the Director in situations that meet the following criteria:
 1. The proposed development has unique or unusual characteristics such as high sales volume per floor area or low parking turnover, which creates a parking demand that exceeds the maximum ratio and that typically does not apply to comparable uses;
 2. The parking demand cannot be accommodated by on-street parking, shared parking with nearby uses, or by increasing the supply of spaces that are excepted from the maximum ratio.
 - c. ~~Calculation of maximum parking requirements.~~ For the purpose of calculating parking requirements, the following types of parking spaces shall not count against the maximum parking requirement, but shall count toward the minimum requirement:
 1. Surface parking.
 2. Accessible parking.

3. Vanpool and carpool parking.
 4. Structured parking, underground parking and parking within, above, or beneath the building(s) it serves.
 5. Electrical charging parking.
 6. Pickup or mobile order parking spaces.
7. ~~Fleet parking.~~ Fleet parking shall be in addition to the minimum parking calculated in the table above. One fleet parking space shall be provided for each fleet vehicle. Parking of fleet vehicles outside of a building shall be classified as outdoor storage and shall be required to be screened in accordance with the regulations for outdoor storage.
8. ~~Shared Parking.~~ The Town encourages the sharing of parking for its potential to reduce the scale of impervious surfaces and enhance the efficiency of land use. Where a mix of uses allows for the efficient sharing of parking spaces due to differences in peak parking demand periods for the different uses, the Director may reduce the required number of spaces according to a parking study provided by the applicant.
9. Electric Vehicle Ready Requirements.
- a. All new buildings and all buildings undergoing major renovations and additions must comply with the Electric Vehicle (EV) Ready requirements in the Colorado Model Electric Ready and Solar Ready Code. Specifically, residential use buildings, including one- and two-dwelling and townhome buildings, buildings meeting the definition of multifamily (defined as R-2 in the International Building Code), and commercial use buildings, that provide off-street parking spaces, must provide the minimum number of electric vehicle spaces stated in Table 4-7 as follows:

TABLE 4-7 Off-Street Electric Vehicle Minimum Parking Spaces Required	
Use Type	
Commercial Uses Parking Provided	Electric Vehicle Parking Required
10 or less parking spaces	2 EV Ready Spaces
Greater than 10 parking spaces	EV Installed Spaces: 2% of Spaces
	EV Ready Spaces: 8% of Spaces
	EV Capable Spaces: 10% of Spaces
	EV Capable Light Spaces: 10% of Spaces
Residential Uses Parking Provided	EV Parking Required
Single dwelling, paired homes and townhomes	Each dwelling unit with a dedicated attached or detached garage or other on-site designated parking provided for the dwelling unit shall be provided with one EV ready space per dwelling unit.
Multiplex and multi-dwelling with 10 or fewer parking spaces	EVSE Installed Spaces: 0 Spaces
	EV Ready Spaces: 15% of Spaces

	EV Capable Spaces: 10% of Spaces
	EV Capable Light Spaces: 10% of Spaces
Multiplex and multi-dwelling with greater than 10 parking spaces	EVSE Installed Spaces: 5% of Spaces
	EV Ready Spaces: 15% of Spaces
	EV Capable Spaces: 10% of Spaces
	EV Capable Light Spaces: 30% of Spaces

B. For purposes of the foregoing off-street electric vehicle minimum parking spaces requirements, the following applies:

1. The requirements apply to all new buildings that have not applied for an electrical permit or have an approved site development plan as of March 1, 2026. If a developer applies for an electrical permit or has a site development plan approved before March 1, 2026, the foregoing electric vehicle minimum parking spaces requirements do not apply.
 2. "Major renovations or additions" means changes or additions to a parking area that change 50 percent or more of the parking spaces.
 3. The total number of electric vehicle spaces required shall be rounded up to the nearest whole number.
 4. For multifamily residential uses, the total number of parking spaces for the entire development shall be used to determine the number of electric vehicle parking spaces required. For all other buildings, where parking spaces are spread out over multiple lots, the electric vehicle parking spaces required will be calculated by each lot.
- C. For commercial buildings that install a DCFC EVSE, each DCFC EVSE installed shall be permitted to be substituted for other electric vehicle space types as follows:
1. Commercial buildings, other than multifamily, shall be permitted to substitute up to ten spaces when the building provides a minimum of 20 percent of parking spaces as a combination of EV Capable, EV Ready, or EVSE Installed spaces.
 2. Multifamily development shall be permitted to substitute up to five spaces when the development provides a minimum of 60 percent of parking spaces as a combination of EV Capable Light, EV Capable, EV Ready, or EVSE Installed spaces.
- D. The following substitutions may occur when determining the number of each type of electric vehicle spaces:

1. EVSE Installed Spaces that exceed the minimum requirements of this section are permitted to be used to meet minimum requirements for EV Ready Spaces, EV Capable Spaces, and EV Capable Light Spaces.
 2. EV Ready Spaces that exceed the minimum requirements of this section are permitted to be used to meet minimum requirements for EV Capable Spaces and EV Capable Light Spaces.
 3. EV Capable Spaces that exceed the minimum requirements of this section are permitted to be used to meet the minimum requirements for EV Capable Light Spaces.
 4. However, all attached garages with direct connection to a dwelling unit will be required to have one EV Ready Space.
- E. *Waivers and Variances.*
1. Any building impacted by a declared natural disaster that destroyed buildings or resulted in other exceptional and extraordinary circumstances as determined by the Director may seek a waiver or variance from the foregoing off-street electric vehicle minimum parking spaces requirements if enforcement of these requirements will result in unnecessary hardship.
 2. Commercial, including multifamily, developments with a gross floor area greater than 10,000 square feet that assert that compliance with the foregoing off-street electric vehicle minimum parking spaces requirements will result in a substantial cost differential may seek to waive certain requirements only until the cost differential for compliance with the remaining requirements reaches one percent or less.
 - a. *"Substantial cost differential"* means costs incurred as a result of compliance with the off-street electric vehicle minimum parking spaces requirements that would exceed one percent of total mechanical, electrical, and plumbing costs, inclusive of materials and labor, for the building.
 - b. The burden of proof is upon the applicant to provide substantiation of a cost differential, such as quotes or other licensed design professional analyses as approved by the Director of Planning and Development Services or designee.
 - c. Waivers and variances sought under this chapter will be determined under the procedure provided for reviewing alternative parking plans under Section 4.x.

Required Loading Spaces.

The design of loading spaces and their location shall be approved at the discretion of the Director.

Vehicle stacking standards.

a. The development and design standards of this subsection shall apply to all drive-in (drive-through) facilities and other auto-oriented uses unless otherwise expressly approved by the decision-making body:

(1) Minimum number of vehicle stacking spaces. Off-street stacking spaces shall be provided as follows:

Table 4-8 Vehicle Stacking Requirements

Activity Type	Minimum Stacking Spaces	Measured From: ¹
Bank teller lane	4	Teller or Window
Automated teller machine	3	Teller
Restaurant drive-through	6	Order Box
Restaurant drive-through	4	Between Order Box and Pick-Up Window
Car wash stall, automatic	4	Entrance
Car wash stall, self-service	3	Entrance
Other	4	Pick-Up Window or Other

Notes:

1 Requirements for facilities that have double (parallel) drive through lanes shall be replicated for each of the drive through lanes.

(2) Design and layout. Required drive-through lanes and facilities and vehicle stacking spaces are subject to the following design and layout standards:

(a) Vehicle stacking spaces.

i) Size. Vehicle stacking spaces shall be a minimum of nine (9) feet by twenty (20) feet in size.

ii) Location. Stacking spaces shall not impede on- or off-site traffic movements.

iii) Design.

1. Stacking spaces shall be separated from other internal driveways by raised medians if the Town Engineer deems the median necessary for traffic movement and safety.

(b) Drive-in (drive-through) facilities and lanes. See **Article XX section XX for location and screening requirements.**

Standards for bicycle facilities. All developments shall provide bicycle parking areas that comply with the following standards:

- Location: Bicycle parking spaces shall be conveniently located, but in no case shall such facilities be located farther than one-hundred (100) linear feet from the primary building entrance.
- Bicycle parking spaces shall be provided at the following rates:
 - A minimum of two (2) bicycle parking spaces or one (1) bicycle parking space per twenty (20) off-street parking spaces for all non-residential, mixed-use, and multi-dwelling uses, whichever is greater.
- A rack or other structure shall be provided to secure parked bicycles.

Parking stall dimensions. Parking stalls for automobiles shall meet the standards outlined in Table 4-9 Parking Stall Dimensions. All dimensions represent the minimum requirement for any required parking space.

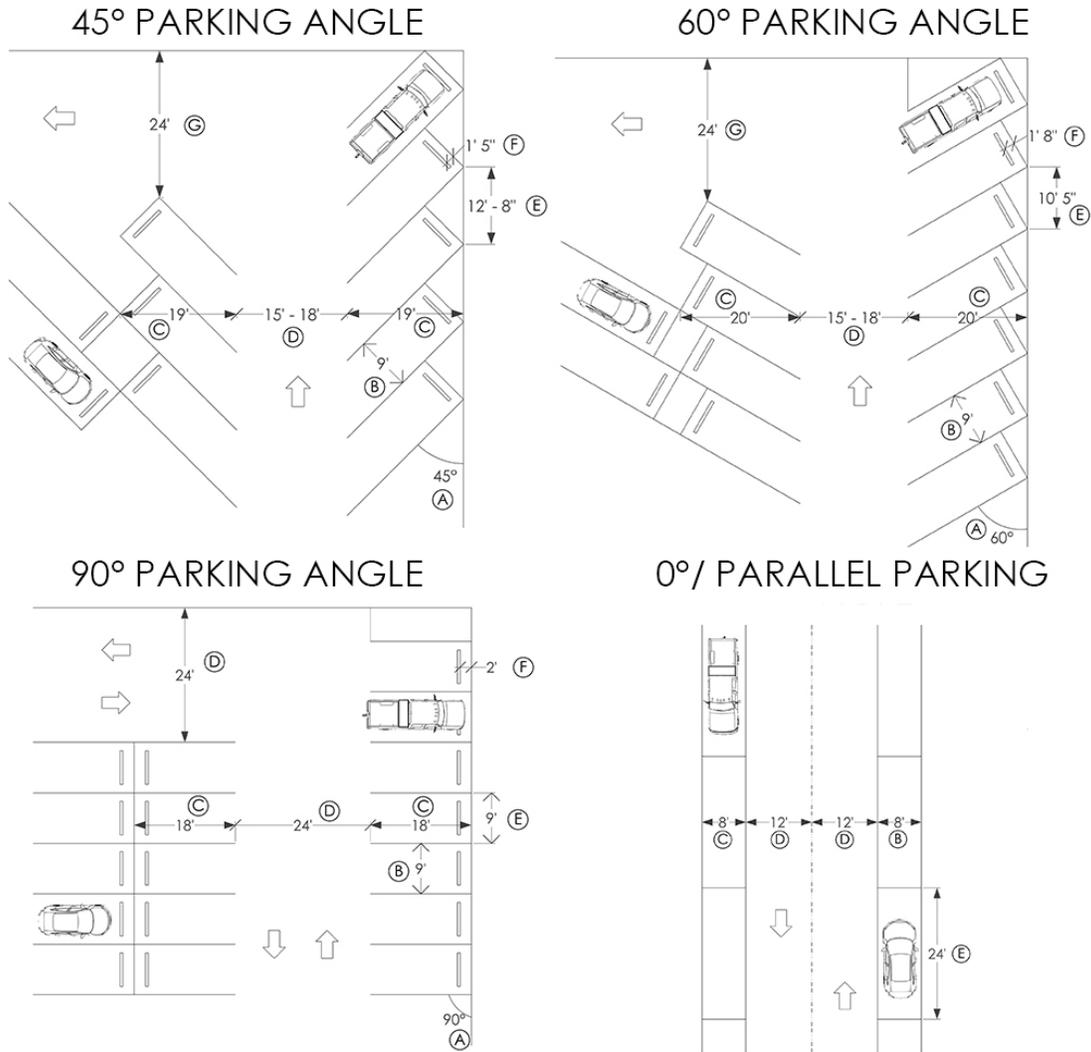
Table 4.9 Parking Stall Dimensions

Parking Angle (A)	Stall Width (B)	Stall to Curb (C)	Aisle Width (D) **	Curb Length (E)	Overhang (F)	Drive Aisle (G)
45°	9'	19'	15-18'	12' 8"	1' 5"	24'
60°	9'	20'	15-18'	10' 5"	1' 8"	24'
90°	9'	18'	24'	9'	2'	
0°(parallel)	8' *	8' *	12'	24'	0'	

*Except along local streets where seven (7) feet is permitted.

**Except for lanes designated as primary emergency access where twenty-six (26) feet is required.

Figure 4-XX. Parking Angles



b. Accessible parking space dimensions.

(1) Accessible parking spaces must be eight (8) feet by eighteen (18) feet with a five (5) foot wide access aisle.

(2) Van-accessible spaces must be nine (9) feet by eighteen (18) feet with an eight-foot-wide access aisle, adjacent and parallel to the space.

(3) Parking spaces for the physically disabled that are parallel to a pedestrian walk that meets Americans with Disabilities Act standards may have the same dimensions as those for standard vehicles.

(4) Slope. Accessible parking spaces and access aisle widths shall be level with surface slopes not exceeding 1:50 in all directions.

c. Drive lanes used as primary access by emergency response vehicles shall be a minimum of twenty-six (26) feet wide.

(1) The primary access will be determined in conjunction with the Frederick-Firestone Fire Protection District through the site plan process.

Sec. 16-4-120. Housing Diversity and Innovation.

A. Purpose and Intent.

1. To promote a more diverse community through the provision of a variety of housing types.
2. To encourage developments that are not dominated by a single type of home or dwelling unit, within a narrow range of price points and densities.
3. To encourage "neighborhood-oriented" multi-family developments that incorporate a variety of housing types, such as a combination of duplex, stacked tri-plex/quad-plex, manor homes, live-work units, townhomes, apartments, and single-dwelling detached in a range of sizes.

B. Diversification standards.

1. Diversification standards shall not apply to:
 - a. All zone districts that do not allow residential uses.
 - b. RE residential zone districts
 - c. R-MH1 and R-MH2 residential zone districts
 - d. A or AOS districts
 - e. DT downtown zone district

C. Residential development, including lots and parcels that are part of a phased development, shall provide a minimum mix of housing and variations, based on the size of the development as required in Table 4-10 Housing Diversification Standards.

Table 4-10 Housing Diversity Standards

Proposed Lots/Units	Number of Housing Types Required	or Housing Types & Variations
50-300	2	1 housing type and 2 variations
301-750	3	2 housing types and 2 variations
751+	4	3 housing types and 3 variations

1. The required housing types include:
 - a. Single-dwelling detached
 - b. Paired homes
 - c. Townhomes
 - d. Multiplex
 - e. Multi-dwelling
 - f. Live/work units

2. Housing type variations include the following listed below. Each variation must account for at least twenty-five (25) percent of all lots or units:
 - a. Single-dwelling homes
 1. Alley loaded
 2. Lot size under 5,000 square feet
 3. Lot size 7,000 to 10,000 square feet
 4. Lot size 10,001+ square feet
 - b. Paired homes
 1. Alley loaded
 2. Vertically stacked
 - c. Townhomes
 1. Alley loaded
 2. Variation in building length of thirty (30) percent or more
 - d. Multiplex
 1. Alley loaded
 - e. Multi-dwelling
 1. Variation in building length of thirty (30) percent or more
 - f. Live/work
 1. Alley loaded

Sec. 16-4-130. Architectural Standards.

A. Residential Use Category design standards.

1. ~~Purpose and Intent.~~ Architecture plays an important part in developing an identity for neighborhoods and dwellings. Therefore, the intent of this section is to build upon the architectural traditions of the region yet allow for diversity of expression. Additionally, the Town's goal is to encourage a variety of housing types, sizes, and prices in each neighborhood to allow people to remain in their neighborhoods as their housing needs change.

2. Applicability.
 - a. This section shall apply to all new construction and additions to existing buildings meeting the site plan amendment threshold stated in Article 6 of this Code.
 - b. Live/work development shall utilize the townhome architectural standards unless otherwise determined at the discretion of the Director.

- c. Manufactured homes shall utilize the single-detached dwelling architectural standards.
 - d. Assisted living or congregate care, nursing home/memory care/Alzheimer care, protective care, group homes, and boarding and rooming houses shall follow the multi-family architectural standards unless otherwise approved by the discretion of the Director.
 - 3. General standards for all residential architecture.
 - a. All residential buildings shall front onto public streets, private streets, or green courts. Green courts shall be a minimum of thirty (30) feet in width.
 - b. Porch columns and railings:
 - 1. Porch columns and railings shall match the architectural style of the model elevation.
 - 2. Porch columns shall be a minimum of eight (8) inches by eight (8) inches.
 - c. Exterior building colors.
 - 1. Wall material colors shall be natural or muted tones for dominant areas with brighter accents. A variety of materials (siding, stucco, brick, and stone) and colors are strongly encouraged.
 - 2. High gloss paints are prohibited.
 - 3. Primary or other bright colors shall be used sparingly and only as accents. Accent colors shall only comprise no more than five (5) percent of the total wall area.
 - d. Exterior building materials.
 - 1. Metal siding shall not be used as a primary exterior building material. Metal may only be used as an accent material not to exceed five (5) percent of any principal or accessory building facade. Metal siding may only be used as a principal exterior building material when approved by the Director.
 - 2. The following materials shall be prohibited:
 - i. Exterior vinyl siding
 - ii. Concrete block and paneling
 - iii. Highly reflective metal or other materials
 - iv. Corrugated metal
 - v. Unfinished or untreated wood
 - vi. Any other material determined by the Director to be out of character or incompatible with adjacent properties or the surrounding neighborhood
 - 4. Architectural standards for single-detached DUs, paired homes, and multi-plex.
 - a. Model and stylistic diversity, single-detached dwellings and multi-plex.
 - 1. No identical model plan elevation shall be constructed more than once every four (4) structures on the same side of the street. Every thirty (30) linear feet of an intervening tract or outlot shall count as a "structure" for the purposes of this subsection. Different models shall have significant variations in exterior elevations, massing, entryways, etc. Differentiation in models requires all of the following variations:

- i. Size and mass
 - ii. Color scheme
 - iii. Style and placement of windows, main entry doors, garage doors and porches
 - iv. Different roof forms/lines/profiles
 - v. Use of exterior material
 - 2. No identical model plan elevation shall be repeated directly across any public street, private street, or green court from the same model plan elevation.
 - 3. Each block face shall contain at least three (3) roof colors.
- b. Model and stylistic diversity, paired homes.
 - 1. No identical model plan elevation shall be constructed more than once every three (3) structures on the same side of the street. Every thirty (30) linear feet of an intervening tract or outlot shall count as a "structure" for the purposes of this subsection.
 - 2. Each block face that includes at least eight (8) buildings shall contain at least three (3) different models that have significant variations in exterior elevations, massing, entryways, etc. Differentiation in models requires all of the following variations:
 - i. Size and mass
 - ii. Color scheme
 - iii. Style and placement of windows, main entry doors, garage doors, and porches
 - iv. Different roof forms/lines/profiles
 - v. Use of exterior material
 - 3. No identical model plan elevation shall be repeated directly across any public street, private street, or green court from the model plan elevation.
 - 4. Each dwelling unit of the paired home building shall include a different application of building materials, window placement, garage doors, roof lines, or other architectural features.
- c. The following standards shall be applied to single-detached dwellings, paired homes, and multi-plex:
 - 1. Building articulation.
 - i. ~~Front facade articulation.~~ Front facades of the building shall include more than one wall plane. The wall plane change shall be proportional to the building elevation, have a depth of at least eighteen (18) inches, be at least a full story in height, and be at least 10 feet wide.
 - ii. Rear facades greater than thirty (30) feet in width shall include one of the three options:
 - (1) Rear facades of the building shall include more than one wall plane. The wall plane change shall be proportional to the

building elevation, have a depth of at least eighteen (18) inches, be at least a full story in height, and be at least ten (10) feet wide; or

- (2) Rear facades of the building shall include more than one exterior material. Each material beyond the primary material shall be at least twenty (20) percent of the wall facade. (i.e. if the facade is one hundred (100) square feet, the second material shall be at least twenty (20) square feet in area. A third material, if proposed, shall be at least twenty (20) square feet in area, as well); or
- (3) Rear facades of the building shall include covered rear porch a minimum of six (6) feet in depth by eight (8) feet in width.

2. ~~Building Materials.~~ All primary building facades and facades facing streets, green courts, parks, open space, regional trails, and other public spaces shall incorporate at least two exterior materials.

- i. Each secondary material shall represent at least twenty (20) percent of the wall facade. (i.e., If the facade is 100 square feet in area, the secondary material shall be at least twenty (20) square feet in area.
- ii. When a base treatment is used as a secondary material it shall wrap around the front facade to the side of the building a minimum of four (4) feet or shall end at a break in the wall plane (i.e. at a side window, corner, wing fence, etc.).

(1) The base treatment shall be at a minimum of three feet in height.

3. Model and stylistic diversity.

- i. The term "model" refers to a housing unit with a unique front facade.
- ii. At least one-half (1/2) of the buildings on each block face shall have a front porch.

4. ~~Enhanced sides.~~ Where the side of the building faces streets or green courts (on a corner lot), parks and open space, trails, or other public-serving space, buildings shall address the side street or open space through enhanced architecture. At least two (2) of the following enhancements are required:

- i. A side or wrap-around porch (at least six feet in length and six feet in depth)
- ii. Addition of a bay window
- iii. Windows or glazed doors (above and beyond the base count)

- iv. A change in the vertical or horizontal wall plane such as through the use of a belt course, a belly band, or a bump out (such as a window bump out of at least twelve (12) inches).
 - v. Brackets, corbels, vents, shutters, projections, or other such details.
 - vi. Integration of a second wall siding material comprising at least fifteen (15) percent of the total wall plane area (e.g. applying a second material in the gable roof wall plane area or a solid base treatment).
5. **Roof.** The roof forms and pitches of the building shall strongly reflect the architectural style. In general, a simple dominant roof form should be used in combination with complementary secondary and minor roof forms and elements. Roof overhangs, eaves, fascias, dormers, and soffit detail shall be detailed appropriately for the architectural style of the building.
6. **Front porches.**
- i. Porch designs shall reflect the architectural style of the building.
 - ii. Where provided, a porch shall be at least six (6) feet in depth, nine (9) feet in width, and comprise at least fifty-four (54) square feet in total area.
 - (1) The calculation of the total area for porches shall not include the area directly in front of the door (direct walkway). The direct walkway shall be defined as the area between the door and the stairs or entrance to the porch. The minimum width of the direct walkway shall equal or exceed the width of the door.
7. **Garages.** Homes, not garages, shall have the emphasis on residential streets. The intent is that residential streets have visual variety and that garages do not dominate the street face. For the purpose of this section, street-facing shall include all dwelling unit front facades facing onto public rights-of-way and private driveways or streets.
- i. Parking spaces located within a garage used to meet the parking requirements for the use shall meet the dimensional requirements for off-street parking.
 - ii. All attached garages associated with homes over one story shall incorporate the garage below a second story living area.
 - iii. No garage with street-facing doors shall protrude from any adjacent wall facade or front porch.
 - iv. When garage doors are not street-facing (e.g., the doors face a side or rear lot line), the side of the garage facing the street shall include windows and architectural materials that match the features of the living area (or main) portion of the dwelling.

- v. Garage doors shall not comprise more than fifty (50) percent of the street-facing linear building frontage, except that garage doors located on the side of a dwelling facing a side yard street may comprise up to two-thirds (2/3) of the street-facing linear building frontage. For purposes of this provision, the width of the garage door(s) shall be measured as the linear distance between the outer edges of the door(s), including any wall area separating two or more garage doors that is less than (2) feet wide.
 - vi. When more than one (1) garage door is provided, the additional garage door shall:
 - (1) Have a different orientation from the first (e.g. side loaded); or
 - (2) Be recessed behind the first garage by at least two (2) feet when having the same orientation
- 5. Architectural standards for townhomes.
 - a. Model and stylistic diversity.
 - 1. No more than 6 single-attached dwelling units may be attached in any single row or building cluster or no more than 150 feet in building length, whichever is less.
 - 2. For developments with five (5) or more buildings, identical elevations shall not be placed adjacent to or across the street from one another.
 - 3. Developments with multiple buildings shall provide at least one model elevation per every four (4) buildings, up to six (6) maximum elevations required.
 - 4. Each elevation shall provide design variation through the following methods:
 - i. Use of distinct variations in materials;
 - ii. Use of distinct variations in architectural style or features, such as a porch or similar feature; and
 - iii. Use of distinct variations in roof form.
 - b. Building articulation.
 - 1. Blank walls in excess of twenty-five (25) feet in length shall be prohibited on any building facade. Walls shall incorporate windows, balconies, or like features to articulate facades.
 - 2. Balconies shall not protrude from the wall plane over fifty (50) percent of the balcony depth. (e.g. If a balcony is 6 feet deep, it can only protrude from the building facade a maximum of 3 feet.)
 - 3. All individual unit primary facades shall incorporate at least one window on the first story.
 - 4. All building facades facing streets, parks, open space, regional trails, and other public spaces shall incorporate at least one (1) window with least eight (8) square feet in area.
 - c. ~~Building materials.~~ All primary building facades and facades facing streets, parks, open space, trails and other public spaces shall incorporate at least two exterior materials.

1. Each secondary material shall represent at least twenty (20) percent of the wall facade. (e.g., if the facade is one hundred (100) square feet in area, the secondary material shall be at least twenty (20) square feet in area)
 2. When a base treatment is used as a secondary material it shall wrap around the front facade to the side of the building a minimum of 4 feet or shall end at a break in the wall plane (e.g., at a side window, corner, wing fence, etc.).
 - i. The base treatment shall be at a minimum of three feet in height.
 3. Buildings over two stories in height shall incorporate visually heavier and more massive elements at the base, and lighter elements above these components (e.g., the base can be a heavier stone or brick material while the lighter elements may be horizontal lap siding).
 4. For townhome buildings incorporating three (3) or more units, the architecture proposed for each unit cannot be applied to the adjacent unit. Architectural changes between units shall include changes to the application of materials and placement of windows for each unit or other substantial architectural changes.
 5. Fireplace "box-outs" shall extend from the ground level to the roofline to avoid a "tacked-on" look.
- d. Garages.
1. Attached garages.
 - i. All garages shall incorporate a direct interior access to the dwelling unit it serves.
 2. Perimeter garages.
 - i. Perimeter garages shall not be located between the primary street (or side street when located on a corner lot) and primary building or buildings on the lot. They may be located along the side or rear portions of the site.
 - ii. Any detached garage located with its rear wall along the perimeter of the development and located within fifty (50) feet of a public right-of-way or the property line of the development site shall not exceed fifty (50) feet in length.
 - iii. A minimum of ten (10) feet (in width) of landscaping shall be provided between any two (2) perimeter garages.
 - iv. All detached garages that exceed thirty (30) feet in length shall include at least one (1) of the following items in at least two (2) locations of the building:
 - (1) Change in wall plane of at least one (1) foot;
 - (2) Change in material;
 - (3) Change in roof plane;
 - (4) Windows;

(5) Doorways;

(6) False door or window openings defined by frames, sills, and lintels; and/or

(7) An equivalent vertical element that subdivides the wall into proportions related to human scale and/or the internal divisions within the building.

6. Architectural standards for multi-dwelling buildings.

a. Model and stylistic diversity.

1. Developments shall incorporate a variety of distinct building designs according to the scale of the development, as follows:
 - i. Developments with multiple buildings shall provide at least one model elevation per every four (4) buildings, up to six (6) maximum elevations required.
 - ii. Each elevation shall provide design variation through the following methods:
 - (1) Use of distinct variations in materials;
 - (2) Use of distinct variations in architectural style or features, such as a porch or similar feature; and
 - (3) Use of distinct variations in roof form
2. Distinct building designs, as required above, shall be easily distinguished through a minimum of three (3) of the following:
 - i. variation in length of thirty (30) percent or more;
 - ii. A variation in the footprint of the building of 30 percent or more;
 - iii. A distinct variation in color and use of materials;
 - iv. A distinct variation in building height; or
 - v. A distinct variation in roof form.

b. Building articulation.

1. Buildings shall not be more than two hundred (200) feet in length.
2. Blank walls in excess of twenty-five (25) feet shall be prohibited on any building facade.
3. Each multi-dwelling building shall articulate walls by including at least two (2) of the following elements every twenty-five (25) length of the facade.
 - i. Recesses, projections, or significant offsets in the wall plane;
 - ii. Distinct, individualized, and covered entrances;
 - iii. Chimneys that project from the wall plane at a minimum of one (1) foot in depth;
 - iv. Change in exterior material;
 - v. Balconies and/or other outdoor living space; or
 - vi. Bay or box windows.

- c. **Building Materials.** All primary building facades and facades facing streets, parks, open space, regional trails, and other public spaces shall incorporate at least two exterior materials.
 - 1. Each secondary material shall represent at least twenty (20) percent of the wall facade. (i.e., If the facade is one hundred (100) square feet in area, the secondary material shall be at least twenty (20) square feet in area).
 - 2. When a base treatment is used as a secondary material it shall wrap around the front facade to the side of the building a minimum of 4 feet or shall end at a break in the wall plane (e.g., at a side window, corner, wing fence, etc.).
 - 3. The base treatment shall be at a minimum of three feet in height.

- d. **Roofs.** Each multi-dwelling building shall feature a combination of primary and secondary roofs. Primary pitched roofs shall be articulated by at least one (1) of the following elements:
 - 1. Changes in plane and elevations with a minimum change of one (1) foot; or
 - 2. Dormers or gables

- e. **Garages.**
 - 1. Attached garages.
 - i. All garages shall incorporate a direct interior access to the dwelling unit it serves.
 - 2. Perimeter garages.
 - i. Perimeter garages shall not be located between the primary street (or side street when located on a corner lot) and primary building or buildings on the lot. They may be located along the side or rear portions of the site.
 - ii. Any detached garage located with its rear wall along the perimeter of the development and within fifty (50) feet of a public right-of-way or the property line of the development site shall not exceed fifty (50) feet in length.
 - iii. A minimum of ten (10) feet in width of landscaping shall be provided between any two (2) perimeter garages.
 - iv. All detached garages that exceed thirty (30) feet in length shall include at least one (1) of the following items in at least two (2) locations of the building:
 - (1) Change in wall plane of at least one (1) foot
 - (2) Change in material;
 - (3) Change in roof plane;
 - (4) Windows;
 - (5) Doorways;
 - (6) False door or window openings defined by frames, sills, and lintels; and/or

- (7) An equivalent vertical element that subdivides the wall into proportions related to human scale and/or the internal divisions within the building.

B. Commercial, Public/Institutional, and Industrial Use Category design standards.

1. ~~Purpose and intent.~~ The following standards are intended to enhance the appearance of buildings and promote a high quality of design in order to protect the public health, safety, and welfare. The intent of these standards is to:
 - a. Encourage greater design compatibility with surrounding areas and establish a precedent for high quality design in areas with no established character;
 - b. Achieve greater architectural variation and interest through standards for the design of roofs, exterior walls, and the use of exterior finish materials;
 - c. Encourage greater architectural cohesiveness and compatibility within a new development of multiple buildings; and
 - d. Reduce the negative visual impact of features and site improvements such as mechanical equipment and other back of house elements.
2. Applicability.
 - a. These standards apply to development outside the Downtown District to any use categorized as commercial/mixed-use, public/institutional, or industrial.
 - b. ~~New construction.~~ The standards shall apply to all new construction of buildings and structures.
 - c. Building or site additions.
 1. These standards shall apply to existing buildings only when a proposed building or site expansion exceeds the ten (10) percent threshold listed in Section XX.
 2. It is intended that a building expansion subject to these standards be reasonably integrated with the existing structure or site condition consistent with these standards.
3. Building orientation.
 - a. All principal buildings shall be oriented towards the primary street. If any such building is on a double frontage or corner lot, it shall have an equally detailed facade facing the secondary street.
 - b. Building functions that do not directly serve the public, such as loading berths and blank walls, shall not be placed directly along the street. Residential garages that face streets shall be recessed behind the facade of the primary buildings.
4. Building massing and facade.
 - a. No primary building facade or street facing wall plane shall have a blank expanse of over forty (40) feet in length. This shall be achieved through application of architectural groupings found in section XX.
 - b. ~~Building mass.~~ A single, large, dominant building mass shall be avoided. Buildings shall be designed to integrate variations in height, texture, color, and facade depth. Building facades facing public/private streets, parks and open space,

public trails, and other public interfaces shall have an equal level of architectural design as the principal façade.

- c. Commercial building lengths shall not exceed one-hundred fifty (150) feet in length.
 - d. Commercial buildings with a tenant square footage over twenty (20) thousand square feet shall be permitted to exceed the one-hundred fifty (150) foot length provision.
 - e. Industrial buildings lengths shall not exceed six hundred (600) feet in length.
 - f. Developments with multiple buildings shall incorporate similar architectural styles, materials, and colors to create a cohesive planned area.
5. Entrances.
- a. The primary entrance of each primary building shall face the primary street.
 - b. Each primary structure shall have a clearly defined main pedestrian entrance featuring at least three (3) of the following elements:
 1. Canopies or porticos;
 2. Overhangs;
 3. Recesses or projections;
 4. Arcades;
 5. Arches;
 6. Peaked roof forms;
 7. Outdoor patios;
 8. Display windows;
 9. Architectural tilework or decorative moldings framing the entrance door; or
 10. Integrated planters or wing walls that incorporate landscaped areas of seating areas.
6. Architectural groupings.
- a. All buildings shall be designed and maintained using the following building elements, with a minimum of one (1) item from four (4) of the five (5) groups for primary building facades and all sides facing public/private streets, parks open space or trails. For other building facades only one (1) item from two (2) of the five (5) groups is required.
 - b. Items cannot be double counted to meet standards from other groups.
 - c. The required entrance provisions from Section XX shall not be double counted with the elements below:
 1. Group 1 – exterior wall articulation.
 - i. Openings or elements simulating openings that occupy at least twenty (20) percent of the wall surface area (excluding overhead or dock doors); or
 - ii. Building bays created by columns, ribs, pilasters, or piers or an equivalent element that divides a wall into smaller proportions or segments with elements being at a minimum one (1) foot in width and one (1) foot in depth. For buildings over twenty thousand

- (20,000) square feet in floor area, such elements shall be a minimum of two (2) feet in width and one (1) foot in depth; or
- iii. A recognizable base treatment using integrally textured and colored materials such as stone, masonry, or a decorative concrete. The base treatment shall be a recognizably different material from the principal wall; or
 - iv. Architectural banding using different materials and colors from the principal wall; or
 - v. Wall plane recesses or projections of at least twelve (12) inches in depth.
2. Group 2 – roof articulation.
 - i. Changes in parapet height shall be incorporated every 50 linear feet of the roof line. The height change shall be a minimum of 18 inches in change; or
 - ii. A combination of flat and sloped roofs, or pitched roofs with at least two (2) roof line elevation changes; or
 - iii. Roof projection (e.g., cupola, tower, dormer, etc.). The element used shall represent a significant enough change from surrounding roof elements to provide a substantial break in the roof line.
 3. Group 3 – building openings and walkways.
 - i. Canopies or awnings over at least fifty (50) percent of the openings of the building; or
 - ii. The total length of canopies or awnings (combined) equaling the length of at least twenty-five (25) percent of the facade length to which they are proposed to be located; or
 - iii. Covered walkways, porticos, and/or arcades covering at least twenty-five (25) percent of the horizontal length of the front facade
 4. Group 4 – building materials.
 - i. At least two (2) distinct materials comprising different textures and/or patterns. The secondary materials shall total at least twenty-five (25) percent of the length of the facade. (e.g., horizontal wood siding and brick, stone and stucco, etc.). CMU may be used as a secondary material only if it is no more than twenty-five (25) percent of the facade area; or
 - ii. Brick or stone (including synthetic stone) covering one hundred (100) percent of the front façade of the building.
 5. Group 5 – other architectural definition.
 - i. Overhanging eaves extending at least twelve (12) inches beyond the supporting wall; or
 - ii. Decorative screening elements that break up the horizontal wall plane. Decorative screening shall cover a total area representing at

least twenty (20) percent of the total building facade area (in terms of square feet).

7. Roofs.
 - a. Where flat roofs are used, a parapet wall at least eighteen (18) inches in height shall be used on all sides of the structure.
 - b. On all structures exceeding two stories in height, roofs shall internally drain, and external scuppers and wall drains shall be prohibited.
8. Awnings.
 - a. Retractable awnings are permitted if approved by the Director.
 - b. ~~Materials.~~ Permitted awning materials shall include non-reflective metal, canvas, wood, and fabric.
9. Screening.
 - a. Architectural screening elements shall generally match the principal architecture of the building. Screening materials shall be of the same or comparable material, texture, and color as the materials used on the building.
 - b. All rooftop mechanical units (e.g., air conditions units, HVAC systems, satellite dishes, and other telecommunications receiving devices) and other miscellaneous rooftop elements (e.g., exhaust pipes or stacks, elevator housing, or other like elements) shall be screened from view from the public right-of-way, adjacent private streets, and from adjacent properties by using walls, fencing, or other architectural roof elements. Screening shall cover the tallest portion of the item being screened.
 - c. Wall mounted mechanical units (e.g., electrical boxes, meters, or other similar equipment) shall be screened from view from the public right-of-way, adjacent private streets, and from adjacent properties by using walls or fencing.
10. Delivery/Loading Doors and Docks.
 - a. Loading docks shall not be located on any street facing facade of the building.
 - b. Delivery doors and service doors may only be permitted on any street facing facade when setback twenty (20) feet from the primary street facing building facade and includes enhanced architectural detailing (e.g., transparency, enhanced material).
 - c. All loading docks, delivery doors, and service doors shall be screened from view from the public right-of-way, adjacent private streets, and from adjacent properties by using walls, fencing, or landscaping.
 - d. For corner and double frontage lots, loading docks shall not be located on the primary building facade and shall be screened from view from the public right-of-way, adjacent private streets, and from adjacent properties by using walls, fencing, or landscaping.
11. Accessory Retail Equipment.

- a. Vending machines, non-drive-thru ATMs, video rental kiosks, propane and ice storage, or other similar accessory retail equipment and features shall be located adjacent to a building wall. These elements shall not face a local, collector, or arterial street unless screened from view using a wall or fence.
- b. Car vacuums, diesel exhaust fluid dispensers, and tire air dispensers shall be screened from view from public right-of-way, adjacent private streets, and from adjacent properties by using walls or fencing.
- c. All such accessory retail equipment that is exterior to a building shall be shown on the Site Plan and approved by the Town prior to installation and placement.
- d. Outdoor compactors are prohibited, due to concerns of noise, smell, fire, and access.

12. Building Colors.

- a. Primary or other bright colors shall be used sparingly and only as accents.
- b. Primary or accent colors shall cover no more than five (5) percent of a building facade.
- c. Primary or accent colors shall be compatible with predominant building base colors and may be incorporated into elements such as shutters, window mullions, building trim, and awnings.

13. Building Materials.

- a. Metal siding shall not exceed twenty-five (25) percent of the primary building facade, or facades facing streets, parks, open space, or trails. All other building facades shall not exceed seventy-five (75) percent metal siding.
- b. Metal siding shall be a standing seam or of equivalent quality and shall not include corrugated type materials.
- c. All metal siding shall be non-reflective.
- d. When CMU is used as a principal material on a primary building facade, or facades facing streets, parks, open space, or trails, it shall include a combination of both split and smooth faced CMU.

C. Downtown District design standards.

1. Purpose and Intent.

- a. The architecture of new buildings in Downtown Frederick should pay respect to the historic pattern of architecture present in the district. Buildings that include modern designs should include aspects of design that mimic historic patterns from the district (such as cornices, banding, window plates, colors, textures, materials, and shapes).

- b. The architecture of new commercial or mixed-use buildings in Downtown Frederick shall support the patterns of architecture found in traditional “Main Streets” across Colorado.
2. Applicability.
- a. The following sections provide architectural standards for multi-dwelling, mixed-use residential and non-residential development within the DT - Downtown District.
 - b. Multi-dwelling and mixed-use residential within the MU-1 and MU-2 shall follow the architectural standards of this section.
3. Building and site layout.
- a. The primary facade of the building shall be oriented to the street, not to an interior court or public space.
 - b. No building or structure shall be oriented at an angle on corner lots. Buildings shall be constructed parallel to the street to mimic historic building patterns. The primary entrance door may be positioned at an angle on corner lots when the primary building facade faces the street.
 - c. A minimum of eighty (80) percent of the primary building facade for new buildings shall be located adjacent to the sidewalk edge or ROW. This percentage may be reduced to fifty (50) percent when the remaining fifty (50) percent of the frontage is used to provide an outdoor seating area or plaza, fronting directly onto the street. The Director may determine an alternative percentage when appropriate.
 - d. Garages, driveways, and service entries shall be located to the rear of buildings facing an alley. Garages, driveways, and service entries shall not be allowed to face the street or be accessed from the street.
 - e. Parking areas shall be located to the side or rear of buildings with no parking permitted between the building primary facade and the right-of-way.
4. Building Design.
- a. General.
 - 1. All street-facing windows shall include window trims or architectural window framing appropriate to the building architecture.
 - 2. The upper portion of the street-facing building facade shall include elements such as decorative brick cornices, brackets/corbels, decorative blocks, and other related features. These decorative elements shall be incorporated below the roofline of buildings.
 - 3. Street-facing building facades shall not include exterior security bars or grills.
 - b. ~~Entrances~~. The primary entrance to the building shall face the adjacent street. Each primary structure shall have a clearly defined main pedestrian entrance. Buildings shall include at least one (1) element from group 1 and two (2) elements from group 2.

1. Group 1
 - i. Canopies or awnings covering the entire length of the entrance;
 - ii. Primary entrance door recessed from the primary wall plane a minimum of one (1) foot and maximum of three (3) feet; or
 - iii. Arcade along the primary building facade.

2. Group 2
 - i. Outdoor patio servicing the entrance door;
 - ii. Large display windows (framing the entrance door);
 - iii. Architectural tilework or decorative moldings framing the entrance door; or
 - iv. Accent landscaping beds (window boxes, raised permanent planters, or raised landscape beds adjacent to entrance door)

- c. ~~Building articulation.~~ These standards cannot be counted toward building articulation requirements pertaining to entrances.
 1. Street-facing building facades shall be broken up into smaller bays of twenty-five (25) feet to mimic historic building mass patterns. Bays shall be differentiated by use of wall plane recesses, projections, or other structural and architectural changes. The Director may permit smaller or larger bays where appropriate.
 2. With larger buildings spanning half a block or more, the street-facing building facade shall be broken up into smaller building facades that mimic different buildings through the use of color, material, texture, wall plane changes, roofline changes, etc. The Director may permit alternative design where appropriate.
 3. Street-facing building facades shall incorporate a minimum of four (4) of the following articulation techniques to avoid long, undifferentiated facades:
 - i. Wall plane changes (minimum of six (6) inches in depth and three (3) feet in width).
 - ii. Awnings or canopies covering fifty (50) percent of all first-floor windows, doors, or other openings.
 - iii. Balconies or patios extending a minimum of twenty-five (25) percent of the length of the building facade.
 - iv. Two or more exterior building materials, both totaling one hundred (100) percent of the facade (see primary building material list below).
 - v. Banding, beltcourses, or similar elements to distinguish lower and upper floors.
 - vi. Windows
 - (1) First-floor windows shall be large display windows making up a minimum of sixty (60) percent of the facade area. When

windows do not extend to the ground, kick plates shall be incorporated.

(2) Upper-floor windows making up a minimum of thirty (30) percentage of the facade area.

d. Upper floors.

1. When there are more than two stories, the third and above stories shall be setback three feet from the first-floor wall plane facing the street.
2. Upper floors shall use vertical windows (as opposed to landscape orientation) and shall align windows with lower floor windows to the best extent practical.

e. Rooftop patios.

1. Rooftop patios shall be permitted when they are constructed on top of a flat roof line.
2. Patio elements such as shade structures, bars, or planters shall not exceed the overall height of a standard floor of a building.
3. Railings/fencing around the patio shall blend with the architecture of the overall building.

f. Building materials.

1. Primary buildings materials on street facades (covering at least sixty (60) percent of the building front) shall include one or more of the following:
 - i. Brick or brick veneer
 - ii. Horizontal lap siding (wood, cementitious board or other like material)
2. The following materials are prohibited as primary materials and may only be used as accents (no more than forty (40) percent of the facade):
 - i. Stucco
 - ii. Stone or stone veneer
 - iii. Vertical board and batten
3. Non-reflective metal may be used as an accent material up to twenty (20) percent of any facade.
4. The following materials are prohibited as any part of a building facade:
 - i. Vinyl
 - ii. Reflective metal
 - iii. Corrugated metal
 - iv. Any other material determined by the Director to be out of character or incompatible with adjacent properties or the surrounding neighborhood

g. Awnings.

1. Awnings on downtown buildings shall be made of a durable material. The use of overly reflective materials is prohibited.
2. Awnings shall be mounted above the storefront windows and doors but below the sign band, if a sign band exists.

Sec. 16-4-140. Lighting.

A. Purpose and Intent.

1. Create an attractive lighting system to enhance visibility and safety, while minimizing glare, light trespass, and contrast.
2. Encourage exterior lighting that is functional, aesthetically pleasing, and complementary to the architectural style of buildings.
3. Create dark sky compliant lighting in all development.

B. Applicability. All exterior lighting shall meet the following requirements and provide plans in accordance with the administrative development guide to demonstrate compliance with building permit applications requiring a Planning Department review, all development applications, and all changes of use. Internally illuminated signs shall follow the standards outline in **Section XX**.

C. Exempted Lighting.

The following types of lighting are exempted from the requirements of this section.

1. Legal non-conforming lighting per **Section XX**
2. Traffic construction and control lighting.
3. Temporary decorative seasonal lighting.
4. Lighting required and regulated by the Federal Aviation Administration.
5. Single-dwelling detached developments are exempt from the lighting plan requirement, but when lighting is provided it is subject to the standards of **subsections F and G of this section**.
6. Public street lighting.
7. Emergency/warning lights.
8. Town-owned outdoor recreational uses (ball fields, play fields, tennis courts, and other similar uses), provided these uses meet the following standards:
 - a. Limits on luminaire angle. The luminaire angle from a lighting source that illuminates an outdoor recreational use may exceed an angle of zero degrees only to the extent necessary for lighting the use, and provided that the luminaire is shielded to minimize spillover to surrounding properties;
 - b. Maximum permitted illumination at the property line of the recreational use shall be two footcandles;
 - c. Exterior lighting for an outdoor recreational use shall be extinguished as soon as possible after the event.
9. The Director may exempt lighting, including displays, from any or all provisions of this section, provided the lighting serves a governmental (e.g., federal, state, county, city,

town, transportation district, or school district) purpose, is located on property owned or controlled by a governmental entity, and is designed such that they minimize impact to surrounding businesses and residents to the maximum extent possible. Such lighting includes, but is not limited to, traffic control devices, public information displays, and exterior building lighting. This exemption will be documented in a form acceptable to the director of planning and development services.

D. Prohibited Lighting.

1. Blinking, flashing, flickering, or moving lights (when not incorporated within an EMC or decorative seasonal lighting).

E. Hours of Operation.

1. For outdoor recreational lighting including lighting provided for ball fields, play fields, tennis courts, and other similar uses, lighting shall be extinguished when the event ends or at no point after 11:00 pm, whichever is earlier.
2. For lighting used during construction, lighting shall be extinguished when construction ceases each day and shall be in compliance with construction hour regulations in **Section XX** of the Municipal Code.
3. Special event and temporary use lighting shall be extinguished at the conclusion of the event or use each day and in compliance with the approved specified hours of operation.
4. All exterior lighting fixtures, except those required for security purposes, shall be extinguished outside of business hours. If a portion of the property is used after dark, only that portion shall be lighted.

F. General Design Standards.

1. The style of light fixtures shall be generally consistent with the style and character of architecture proposed on the site, or within the development.
2. Any light sources or lamps shall be concealed or shielded with a full cut-off style fixture to minimize the potential for glare and unnecessary diffusion on adjacent property.
3. All new and replacement light fixtures shall be full cutoff, except that light sources not exceeding five hundred (500) lumens for individual light fixtures, one-hundred fifty (150) lumens for individual lights in a light string (e.g., patio lights), and three thousand (3000) Kelvin in color temperature are not required to be full cutoff.
4. Lantern style lighting shall be permitted only when the light source is concealed through use of frosted glass or like material.
5. Light sources in residential zoning districts shall not exceed three thousand (3000) Kelvin in color temperature and other areas shall not exceed four thousand (4000) Kelvin in color temperature.
6. No light sources shall be directed toward property boundaries or adjacent rights-of-way.

7. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall not produce a beam of light that will not extend beyond the illuminated object.
8. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the feature being illuminated.

G. Lighting Height and Location.

1. All street lights adjacent to local and collector rights-of-way shall be mounted such that the top of the fixture is no higher than twenty-five (25) feet.
2. All street lights adjacent to arterial rights-of-way shall meet the height requirements of the Design Standards and Construction Specifications.
3. The maximum height of any lighting fixture temporarily used for construction is fifty (50) feet.
4. The maximum height of any lighting fixture serving a residential use shall be twenty-five (25) feet.
5. The maximum height of any light fixture serving any other type of use shall be thirty-five (35) feet.
6. Lighting on canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.

H. Illumination Levels.

1. Illumination levels shall not exceed one (1) foot-candle at the property line.
2. The following are the maximum average lighting levels across the property by use:

Table 4-11	
Average Lighting Levels	
Use	Footcandles (Average)
Site Lighting for Residential Uses	1.0
Site lighting for Mixed-Use	3.0
Site lighting for Commercial and Industrial Uses	3.0
Lighting for Inventory Display and Parking Lots	5.0
Gasoline fueling areas, drive-up window areas, ATM areas, car wash	10.0

bays, and loading and service areas within 250 feet of residential uses.	
Gasoline fueling areas, drive-up window areas, ATM areas, car wash bays, and loading and service areas adjacent to nonresidential uses.	15.0

I. Lighting plan notes

Sec. 16-4-150. Abandoned Mines.

- A. ~~General provisions.~~ All development with undermining, mine subsidence, and/or mine shafts shall provide the Town with geological and geotechnical hazards reports prepared, signed and stamped by a professional engineer or professional geologist, specializing in the field of soils and rock mechanics as it relates to mine subsidence and undermining, and registered and licensed in the State of Colorado. The Town shall refer the reports to the Colorado Geological Survey for review and comment. Recommendations from the reports and Colorado Geological Survey shall be evaluated by the Town when considering appropriate land uses, restrictions applicable to land development, and foundation design due to subsidence and undermining constraints. Areas of undermining, mine subsidence, and mine shafts shall be noted on preliminary plats, final plats, construction drawings, and site plans.
- B. Mineshafts.
1. All mineshafts shall be capped and monumented in accordance with state requirements and accepted by the state before final plat or site plan approvals.
 2. Active or capped and monumented mineshafts shall not be located on a residential lot.
 3. Capped and monumented mineshafts may be located in a street right-of-way, outlot or tract, or in a nonresidential lot with an easement restricted for parking or landscape use. Any modifications to this provision proposed by the applicant for Town consideration shall be in compliance with recommendations from the geological and geotechnical hazards reports and the Colorado Geological Survey.
 4. Minimum dimensions for outlots/easements and minimum distances from abandoned mineshafts to residential lots and nonresidential structures shall be determined based on recommendations from the geological and geotechnical hazards reports and the Colorado Geological Survey.
- C. ~~Mine tailings.~~ If mine tailings are located on a property, the removal of mine tailings shall be the responsibility of the developer and shall be addressed in a development agreement. The Town shall require submittal of a professional certification that the mine tailings and hazard associated with the tailing has been removed and completed prior to issuance of the first building permit for any phase of the development.

Sec. 16-4-160. Wireless Telecommunications Uses.

A. ~~Wireless Telecommunications Uses~~. The wireless telecommunications land uses that are allowed in each zoning district are set out in **Table 2.x, Table of Allowed Uses**

B. ~~Standards for Wireless Telecommunications Facilities~~. All wireless communications facilities (“WCFs”) are subject to the applicable standards and procedures in this **subsection (10)(b)**.

1. ~~General~~. WCFs include ground-mounted **base stations** that must be used as an accessory **structure** connected to an antenna mounted on or affixed to an existing **building**.

2. ~~Height and setbacks~~.

a. Roof- or building-mounted commercial mobile radio service (“CMRS”) facilities may protrude no more than five feet above the **parapet line of the building or structure**, nor more than 2.5 feet outside of the **building wall** unless sufficient screening methods are demonstrated and accepted as part of the approval.

b. Roof- or building-mounted whip **antennas** of no more than three inches in diameter, in groupings of five or less, may extend up to 12 feet above the **parapet wall**.

c. All freestanding WCFs shall be set back at least 300 feet from all residentially zoned **properties** or residential structures on **properties otherwise zoned**.

3. ~~Accessory buildings and facilities~~.

a. **Accessory buildings** located on the ground shall be **the minimum size necessary as determined by the Director**, and must be constructed of durable, low-maintenance materials that are architecturally compatible and **integrated** with existing **buildings and structures on the property or adjacent properties**.

b. On sites with greater than 100 cubic feet of cabinet area that is visible from a **public right-of-way or residentially zoned or used area**, equipment must be enclosed in one or more accessory buildings.

c. **Accessory buildings and facilities** are to be screened, to the extent possible, from **public streets and sidewalks**, either by screening, landscaping, location, or other comparable techniques.

4. ~~Building- or roof-mounted facilities.~~ Building- or roof-mounted facilities are to be screened from public view, either by screening, location or other comparable techniques.

5. Wireless communications facilities in public rights-of-way or on public property.

a. ~~Permission to use right-of-way ("ROW") or public property.~~ For WCFs in the ROW, the applicant shall execute a nonexclusive license to use the public ROW in a form approved by the Town Attorney.

b. Attachment of WCFs on an existing traffic signal, streetlight pole, or similar structure shall require written evidence of a license, or other legal right or approval, to use such structure by its owner.

c. Prior to, or concurrently with, seeking land use approval for a WCF on public property that is not in the ROW, the applicant shall execute a lease agreement with the Town.

6. ~~Operation and maintenance.~~ To ensure the structural integrity of WCFs, the WCF's owner shall ensure that it is maintained in compliance with the standards contained in applicable building and safety codes. If, upon inspection, the Town concludes that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have 30 days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner, the Town's Building Official may extend such compliance period not to exceed 90 days from the date of said notice. If the owner fails to bring the WCF into compliance within said time period, the Town may remove such WCF at the owner's expense.

7. ~~Abandonment and removal.~~

a. Any WCF that is not operated for a continuous period of six months shall be considered abandoned. If a WCF has not been in use for a period of three months, the owner of the WCF shall notify the Town of the nonuse and shall indicate whether reuse is expected within the ensuing three months.

b. The Town, in its sole discretion, may require an abandoned WCF to be removed. The owner of such WCF shall remove the same within 30 days of receipt of

written notice from the Town. If such WCF is not removed within said 30 days, the Town may remove it at the owner's expense and any approved permits for the WCF shall be deemed to have expired. Additionally, the Town, in its sole discretion, shall not approve any new WCF application until the applicant who is also the owner or operator of any such abandoned WCF has removed such WCF or payment for such removal has been made to the Town.

8. Camouflage/concealment.

a. All WCFs and any transmission equipment shall, to the extent possible, use camouflage design techniques including, but not limited to, the use of materials, colors, textures, screening, undergrounding, or other design options that will blend the WCF to the surrounding natural setting and/or built environment. Design, materials, and colors of WCFs shall be compatible with the surrounding environment. Designs shall be compatible with structures and vegetation located in the public right-of-way and on adjacent parcels.

b. Camouflage design may be of heightened importance where findings of particular sensitivity are made (e.g., proximity to historic or aesthetically significant structures, views, and/or community features). Should the Director determine that WCFs are located in areas of high visibility, they shall (where possible) be designed (e.g., camouflaged, placed underground, depressed, or located behind earth berms) to minimize their profile at the request of the Director.

c. The camouflage design may include the use of alternative tower structures should the Director determine that such design meets the intent of this Code and the Town is better served thereby.

d. All WCFs shall be constructed out of or finished with nonreflective materials (visible exterior surfaces only).

9. ~~Hazardous materials~~. No hazardous materials shall be permitted in association with WCFs, except those necessary for the operations of the WCF and only in accordance with all applicable laws governing such materials.

10. ~~Collocation~~. To the extent reasonably feasible based upon construction, engineering and design standards, WCF structures shall be designed and constructed to permit the

facility to accommodate WCFs from at least two wireless service providers on the same WCF structure unless the Town approves an alternative design. No WCF owner or operator shall unreasonably exclude a telecommunications competitor from using the same facility or location. Upon request by the Director, the owner or operator shall provide evidence explaining why collocation is not possible at a particular facility or site.

11. ~~Lighting~~. WCFs shall not be artificially lighted, unless required by the Federal Aviation Administration ("FAA") or other governmental authority with jurisdiction, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the Town may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.

12. ~~Noise~~. Noise generated on the site must not exceed the levels permitted in this Code, except that a WCF owner or operator shall be permitted to exceed Code noise standards for a reasonable period of time during repairs, not to exceed two hours without prior authorization from the Town.

13. Landscaping and fencing requirements (excluding building-mounted WCFs, alternative tower structures, and small cells in the ROW).

a. WCFs shall be landscaped with a buffer of irrigated plant materials that effectively screen the view of the WCF from adjacent residential property. The standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the site.

b. Fencing for screening is required. The fencing or screening material shall meet the standard of the zoning district in which the WCF will be located. In no case may fencing material be wire.

c. No trees larger than four inches in DBH may be removed, unless authorized by the Director. To obtain such authorization, the applicant shall show that tree removal is necessary, the applicant's plan minimizes the number of trees to be removed, and any trees removed are replaced at a ratio of two to one (2:1) to a total caliper of the

removed trees. Additional landscaping required by the Town will be maintained at the expense of the owner of the WCF.

14. ~~Base stations~~. If an antenna is installed on a structure other than a tower or alternative tower structure, such as a base station (including, but not limited to, the antennas and accessory equipment), it shall be of a neutral, nonreflective color that is identical to, or closely compatible with, the color of the supporting structure, or uses other camouflage/concealment design techniques so as to make the antenna and related facilities as visually unobtrusive as possible, including, for example, without limitation, painting the antennas and accessory equipment to match the structure. Additionally, any ground-mounted equipment shall be located in a manner necessary to address both public safety and aesthetic concerns in the reasonable discretion of the Director, and may, where to the extent reasonably feasible based upon construction, engineering, and design standards, require a flush-to-grade underground equipment vault.

15. ~~Alternative tower structures not in the ROW~~. Alternative tower structures shall be located, designed, and constructed as follows:

a. The structure shall be sited in a manner that evaluates the proximity of the facility to residential structures and residential district boundaries;

b. Siting decisions shall take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses, as well as the impact on the surrounding area of the proposed ingress and egress, if any;

c. The structure shall resemble a building, facility, or structure that is typically found in the surrounding area, and shall be architecturally compatible with the surrounding area; or the structure shall be camouflaged/concealed consistent with other existing natural or manmade features in the surrounding area;

d. The height or size of the proposed structure shall be minimized as much as possible; and

e. The structure shall be designed and constructed in a manner that is compatible with the surrounding topography, tree coverage, and foliage, and with the

overall design of the site, with particular reference to optimization of design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

16. ~~Alternative tower structures in the ROW.~~ Alternative tower structures and associated small cells or micro cells may be deployed in the ROW through the utilization of streetlight poles, distribution lines, utility poles, traffic signals or similar structures. Such facilities shall remain subject to the alternative tower structures standards of approval set out above, and subject to the following additional design criteria:

a. To the extent that an alternative tower structure is a vertical structure located in the ROW, with respect to its pole-mounted components, it must be located on or within an existing utility pole serving another utility.

b. With respect to its pole components, such components shall be located on or within a new utility pole where other utility distribution lines are aerial, if there are no reasonable alternatives, and the applicant is authorized to construct the new utility poles; provided, that to the extent reasonably feasible, such alternative tower structures shall be:

1. Consistent with the size and shape of the poles and pole-mounted equipment installed by communications companies on utility poles near the structure; and

2. Sized to minimize the negative aesthetic impacts to the public right-of-way.

c. Alternative tower structures shall be designed such that antenna installations on traffic signal standards are placed in a manner so that the size and appearance of the signal will not be considerably altered, and its function will not be impaired.

d. Any ground-mounted equipment shall be located in a manner necessary to address both public safety and aesthetic concerns in the reasonable discretion of the Director, and may, where to the extent reasonably feasible based upon construction, engineering, and design standards, require a flush-to-grade underground equipment vault.

e. Vehicular circulation or parking within the right-of-way and vehicular, bicycle, or pedestrian access or visibility along the right-of-way shall not be impeded. The

alternative tower structure must comply with the Americans with Disabilities Act (“ADA”) and every other local, state, and federal law and regulation. No alternative tower structure may be located or maintained in a manner that causes unreasonable interference. “Unreasonable interference” means any use of the right-of-way that disrupts or interferes with its use by the Town, the general public, or other person authorized to use or be present upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.

f. The pole or structure is not more than five feet taller (as measured from the ground to the top of the pole) than any existing utility or traffic signal pole within a radius of 500 feet from the pole or structure.

g. Any such pole shall in no case be higher than 30 feet.

h. Any such pole shall be separated from any other pole, accessory equipment, or WCF in the ROW by a distance of at least 500 feet unless deployed on an existing structure or replacement pole in the public right-of-way. The Director may exempt an applicant from these requirements if the Director determines, when considering the surrounding topography, the nature of adjacent uses and nearby properties, and the height of existing structures in the vicinity, that placement of a WCF at a distance less than 500 feet from another WCF will meet the intent of reducing visibility and visual clutter of WCFs to the extent possible.

i. To the extent reasonably feasible, collocations are required in order to limit the number of poles within the right-of-way.

j. Equipment enclosures shall be located out of view as much as possible and shall comply with Town criteria (e.g., sight line criteria).

k. When placed near a residential property, the WCF shall be placed adjacent to the common side yard property line between adjoining residential properties, such that the WCF minimizes visual impacts equitably among adjacent properties. In the case of a corner lot, the WCF may be placed adjacent to the common side yard property line between adjoining residential properties, or on the corner formed by two intersecting

property lines. If these requirements are not reasonably feasible from a construction, engineering, or design perspective, the applicant may submit a written statement to the Director requesting the WCF be exempt from these requirements.

17. Towers.

a. Towers shall either maintain a galvanized steel finish, or, subject to any applicable FAA standards, be painted a neutral color so as to reduce visual obtrusiveness as determined by the Town.

b. Tower structures should use existing land forms, vegetation, and structures to aid in screening the facility from view or blending in with the surrounding built and natural environment.

c. Monopoles shall taper from the base to the top.

d. All towers, excluding alternative tower structures in the right-of-way, shall be equipped with an appropriate anti-climbing device consistent with Town Code.

18. ~~Related accessory equipment.~~ Accessory equipment for all WCFs shall meet the following requirements in addition to any other applicable standards of this subsection (10)(b):

a. All buildings, shelters, cabinets, and other accessory components shall be grouped as closely as technically possible.

b. The total footprint coverage area of the WCF's accessory equipment shall not exceed 350 square feet, unless otherwise approved by the Director;

1. No related accessory equipment or accessory structure shall exceed 15 feet in height;

2. Accessory equipment, including but not limited to remote radio units, shall be located out of sight whenever possible by locating behind parapet walls or within equipment enclosures. Where such alternate locations are not available, the accessory equipment shall be camouflaged or concealed.

19. ~~Abandonment and removal.~~ Prior to approval, affidavits shall be required from the owner of the property and from the applicant acknowledging that each is responsible for the removal of a WCF that is abandoned or is unused for a period of six months.

20. ~~Decision.~~ Any decision to approve, approve with conditions, or deny an application for a WCF shall be in writing and supported by substantial evidence related to regulations and restrictions, as detailed herein, in a written record. The applicant shall receive a copy of the decision.

21. ~~Compliance with applicable law.~~ Upon approval, all work done pursuant to WCF applications must be completed in accordance with all applicable building, structural, electrical, and safety requirements as set forth in Town Code and any other applicable laws or regulations. In addition, all WCF applications shall:

a. Comply with any permit or license issued by a local, state, or federal agency with jurisdiction of the WCF;

b. Comply with easements, covenants, conditions and/or restrictions on or applicable to the underlying real property;

c. Be maintained in good working condition and to the standards established at the time of application approval; and

d. Remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than 10 calendar days from the time of notification by the Town or after discovery by the owner or operator of the site. Notwithstanding the foregoing, any graffiti on WCFs located in the rights-of-way or on other Town-owned property may be removed by the Town at its discretion, and the owner and/or operator of the WCF shall pay all costs of such removal within 30 days after receipt of an invoice from the Town.

e. ~~Compliance report.~~ Upon request by the Town, the applicant shall provide a compliance report within 45 days after installation of a WCF demonstrating that, as installed and in operation, the WCF complies with all conditions of approval, applicable Code requirements and standard regulations.

22. Conditional mitigation measures – Co-location.

a. The Town encourages co-location of wireless telecommunications facilities to minimize the number of sites.

b. No WCF owner or operator shall unfairly exclude a competitor from using the same facility or location. Unfair exclusion of use by a competitor may result in the revocation of the use by conditional review or site development plan.

e. The following standards apply to wireless communications facilities in addition to the standards for a conditional use:

(1) *Abandonment.* At the request of the Town, the operator must furnish a statement to the Town indicating the operational status of the facility. If the use has been discontinued, the date on which the facility was last used shall also be provided. Commercial mobile radio service facilities not used for a continuous period of six (6) months shall be disassembled within twelve (12) months of the last use.

(2) *Penalty.* Any person who constructs, installs, or uses, or who causes to be constructed, installed, or used, any wireless communications facility in violation of any provision of this Article or of the conditions and requirements of the conditional use permit may be punished as provided in Article 6. Each day of unlawful operation constitutes a separate violation.

(3) *Civil action.* In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or used or any land is or is proposed to be used in violation of any provision of this Article, the Town Attorney, in addition to the other remedies provided by law, ordinance or resolution, may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration or use.

(8) *Compliance with applicable law.* Upon approval, all work done pursuant to WCF applications must be completed in accordance with all applicable building, structural, electrical, and safety requirements as set forth in Town Code and any other applicable laws or regulations. In addition, all WCF applications shall:

(a) Comply with any permit or license issued by a local, state, or federal agency with jurisdiction of the WCF;

(b) Comply with easements, covenants, conditions, and/or restrictions on or applicable to the underlying real property;

(c) Be maintained in good working condition and to the standards established at the time of application approval; and

(d) Remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than ten (10) calendar days from the time of notification by the [Town](#) or after discovery by the [owner](#) or operator of the site. Notwithstanding the foregoing, any graffiti on WCFs located in the [rights-of-way](#) or on other [Town](#)-owned [property](#) may be removed by the [Town](#) at its discretion, and the [owner](#) and/or operator of the WCF shall pay all costs of such removal within thirty (30) days after receipt of an invoice from the [Town](#).

(e) Compliance report. Upon request by the [Town](#), the [applicant](#) shall provide a compliance report within forty-five (45) days after installation of a WCF demonstrating that, as installed and in operation, the WCF complies with all conditions of approval, applicable Code requirements and standard regulations.

Sec. 16-4-170. Environmental and Wildlife Protection.

- A. Purpose and Intent. The intent of this Section is to ensure that new development limits/mitigates its impact to the natural environment, wildlife, and wildlife habitat, and that it minimizes potential impacts.
- B. General provisions.
1. Natural environment. New developments should be designed to fit within the environment. To the greatest extent feasible, sites should be designed to preserve natural areas and the plants and wildlife inhabiting those areas. In addition, new developments are encouraged to consider the environmental considerations in **Section 2.20.2.b** and to conserve all natural resources.
 2. Water conservation. As the State grows, increasing pressure will be placed on the limited supply of water resources. Town residents have emphasized the importance of preserving the quality and quantity of water. All new development is encouraged to use raw water for irrigation and to incorporate water-saving measures in building design and landscaping. Developments are required to use storm water management techniques that address water quality as well as quantity.
 3. Wildlife and natural areas. To the maximum extent practical, development shall be designed to ensure that disturbances that occur to any natural area as a result of development shall be minimized through the use of natural buffer zones. If any development materially disturbs a natural area, the development project shall mitigate such lost natural resource either on or off-site. Any such mitigation shall be roughly proportional to the loss suffered as a result of the disturbance.
 - (1) Natural areas shall include: floodplains and floodways; natural drainage and water ways; significant native trees and vegetation areas; wildlife travel corridors; special habitat features such as raptor nest sites, key nesting, breeding, or feeding areas for birds; fox and coyote dens; prairie dog colonies over twenty-five (25) acres in size; remnant native prairie habitat; plains cottonwood galleries; and any wetland greater than one-quarter (1/4) acre in size, as identified on the Town of Frederick Environmental Constraints map.
 - (2) The natural area buffer zone shall be used between natural areas and proposed development to ensure that the proposed development does not degrade the natural area. The size of the buffer zone shall be determined in conjunction with the Colorado Division of Wildlife or a Town-approved wetland

or wildlife ecologist. The Town may decrease this buffer when strict application of this Subsection will impose an exceptional and undue hardship upon the property owner or developer.

(3) Exceptions. The Board of Trustees may allow disturbance or construction activity within the natural area or natural area buffer zone for the following limited purposes: mitigation of development activities, restoration of previously degraded areas, emergency public safety activities and utility installations when such activities and installations cannot reasonably be contained within other nearby areas of development, construction of a trail that will provide public access for educational or recreational purposes, or the enhancement of the habitat value and/or other natural resource values of a natural area.

(4) Ecological characterization. If the Town determines that the site likely includes areas with wildlife, plant life, and/or other natural characteristics in need of protection, the Town may require the developer to provide a report prepared by a professional qualified in the areas of ecology, wildlife biology, or other relevant discipline. The ecological characterization report requirements may be found in the Town of Frederick's Administrative Development Guide.

(5) Wildlife conflicts. If wildlife (including, but not limited to, prairie dogs, beaver, deer, and rattlesnakes) is found to exist in areas adjacent to or on the development site and may create conflicts for the future occupants of any development, the development plan must, to the extent reasonably feasible, include provisions such as barriers, protection mechanisms with landscaping, and other site features to minimize conflicts that might otherwise exist between such wildlife and the developed portion of the site. Any impacts to wildlife must be referred to the Colorado Division of Wildlife and, in the case of threatened or endangered species, United States Fish and Wildlife Department.

d. Environmental responsibility. The Town of Frederick encourages the construction of environmentally responsible buildings. Two programs that support that philosophy are:

(1) Built Green Colorado. Built Green Colorado is one of the oldest and largest green home building programs in the nation and it encourages home builders to use technologies, products, and practices that result in homes that are better built and better for the environment. The purpose of the program is to encourage builders to use technologies, products, and practices that will:

(a) Provide greater energy efficiency and reduce pollution;

- (b) Provide healthier indoor air;
- (c) Reduce water usage;
- (d) Preserve natural resources;
- (e) Improve durability and reduce maintenance.

(2) US Green Building Council's Leadership in Energy and Environmental Design (LEED) certification. LEED is a third-party certification program and the nationally accepted benchmark for the design, construction, and operation of high performance green buildings. LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health:

- (a) Sustainable site development;
- (b) Water savings;
- (c) Energy efficiency;
- (d) Materials selection;
- (e) Indoor environmental quality.